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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**RFA No. 13586 of 2018 (O&M)
Date of decision: 27.07.2023**

Umrao Singh

...Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Jangvir S. Hooda, Advocate
for the appellant.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J. (ORAL)

CM-13166-CI-2018

Prayer in the present application under Section 5 of Limitation Act, is for condonation of delay of 6995 days in filing the appeal.

Learned counsel for the applicant-appellant submits that although the delay is inordinate, but occurred for *bona fide* reasons in view of the fact that the applicant-appellant was pursuing his litigation against the same award in same reference, while appearing through counsel in the appeal filed by the State and the non-filing of appeal for enhancement from the side of appellant-landowner happened for genuine reason of oversight and communication gap between him and the counsel.

Notice of the application was issued on 18.03.2019, but no reply has been filed so far.

I have heard learned counsel for the parties and gone through the pleadings.

Concededly, the other similarly situated landowners pertaining to the same acquisition proceedings have already been held entitled for the enhanced amount of compensation to the tune of Rs. 291/- per square yard in place of Rs. 250/- per square yard besides grant of statutory benefits, in view of the judgment dated 24.08.1999 passed by this Court in ***RFA No. 3502 of 1998, titled “Ved Parkash and others Versus State of Haryana & another”***.

Based upon the above and applying the principle of parity, besides grant of just and fair compensation, the landowner / applicant being similarly situated, is entitled for grant of similar amount of compensation, however, without any payment of interest for the period they failed to approach this Court after the decision of the Reference Court. In this regard reliance can be placed upon the decision of Hon’ble Supreme Court in case of ***“Ningappa Thotappa Angadi (Dead) through LRs Versus Special Land Acquisition Officer and Another”, 2020 (19) SCC 599***.

In view of the discussion made hereinabove as well as contents of the application, the same is **allowed** subject to all

just exceptions and delay of 6995 days in filing the appeal is hereby condoned.

MAIN APPEAL

[1] Present appeal has been preferred under Section 54 of the Land Acquisition Act, 1894 (for short “the Act”) for setting aside the impugned award dated 20.05.1999 passed by learned Additional District Judge, Faridabad (hereinafter to be referred as “Reference Court”) and for enhancement of the compensation amount.

[2] Paper-book reveals that State of Haryana issued a Notification dated 23.11.1992 under Section 4 of the Act for acquisition of land measuring 230.97 acres, including land of appellant, situated in **Villages Uncha Gaon and Sihi, Tehsil Ballabgarh, District Faridabad**, which was followed by a declaration dated 19.11.1993 under Section 6 thereof. The public purpose for acquisition of land was stated to be development and utilization of land as residential and commercial in Sector-2, Faridabad, Ballabgarh Controller Area under the Haryana Urban Development Authority Act, 1977.

[3] The Land Acquisition Collector, Faridabad (for short “LAC”), vide Award Nos. 14 & 15 for the year 1995-96, assessed the market value of acquired land @ Rs. 3.5 lakhs per acre in addition to granting statutory benefits.

[4] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the Act. Resultantly, the dispute was forwarded to the Reference Court for determination of the market value of the acquired land.

[5] Learned Reference Court, while passing the impugned award dated 20.05.1999, accepted three (03) reference petitions including the one filed by appellant and assessed the market value of the acquired land @ Rs. 250/- per square yard alongwith other statutory benefits. Aggrieved thereof, the appellant preferred the present appeal.

[6] It is contended by learned counsel for the appellant that present appeal is squarely covered with the judgment dated 24.08.1999 passed in ***RFA No. 3502 of 1998, titled “Ved Parkash and others Versus State of Haryana & another”***, arising out of the same notification, vide which the land of appellant had been acquired. He also contends that an appeal bearing LPA No. 1653 of 2001 preferred by the State of Haryana against the aforesaid order has also been dismissed vide order dated 03.03.2005 passed by this Court.

[7] Learned State Counsel does not controvert the above factual position.

[8] Heard learned counsel for the parties and perused the paper-book.

[9] Learned counsel for the parties are *ad idem* that present appeal is squarely covered with the judgment dated 24.08.1999 passed in **Ved Parkash's case (supra)**, which is arising out of the same acquisition / Notification dated 23.11.1992 covering the same revenue estates i.e. **Villages Uncha Gaon and Sihi, Teshil Ballabgarh, District Faridabad**, whereby the landowners have been held entitled for the enhanced amount of compensation to Rs. 291/- per square yard in place of Rs. 250/- per square yard alongwith other statutory benefits and interests. For reference, the relevant of judgment dated 24.08.1999 (*supra*) reads as under:-

“ xxxx

In view of the above discussion, the appeals filed by the State are dismissed without any order as to costs. However, the appeals/cross objections filed by the claimants are partly accepts. The claimants would be entitled to get compensation, which is hereby increase to Rs. 291/- per square yard in placed of Rs. 250/- per square yard as granted by the learned Additional District Judge with all the statutory benefits under Sections 23 (1-A), 23(2) and 28 of the Act, with proportionate costs. The appeals are accordingly disposed of. ”

[9.1] Based upon the above, applying the principle of parity, the landowners / appellants being similarly situated are held entitled for grant of similar amount of compensation as has been awarded vide judgment dated 24.08.1999 (*supra*), besides

all other statutory benefit and interest thereupon as provided under the Act, except interest for the period the appellants did not approach this Court after passing of Reference Court's Award.

[10] In view of the aforesaid discussion, since the controversy being squarely covered with the judgment dated 24.08.1999 passed in ***Ved Parkash's case (supra)***, present appeal is **disposed off** in the same terms, based on the agreed stand taken by both sides. Needless to say that relief granted or declined in the said case shall be, accordingly, granted or declined to the appellant in the present appeal besides the appellant not being entitled for interest *qua* the period of delay in filing the present appeal.

Pending application(s), if any, shall stand(s) disposed off.

July 27, 2023

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**(HARKESH MANUJA)
JUDGE**

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No