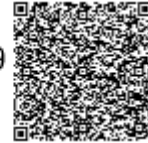


2025:PHHC:173189



259-a IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-1042-2023 (O&M)
Decided on:-10.12.2025

Sudesh Devi @ Sudesh Rani

....Appellant..

vs.

State of Haryana and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. J.S. Cooner, Advocate for
Mr. Shoaib Khan, Advocate for the appellant.

Mr. Abhinash Jain, DAG, Haryana.

HARKESH MANUJA J. (Oral)

CM-3099-CI-2023

1. This is an application for condoning the delay of 836 days in filing the appeal.

Notice in the said application was issued on 17.08.2023.

2. Despite being afforded several opportunities, no reply has been filed on behalf of the respondent-State. However, learned State counsel vehemently opposes the prayer made in the application and prays for its dismissal.

3. I have heard learned counsel for the parties and gone through the contents of the application.

4. Concededly, the other similarly situated land owners pertaining to the same acquisition proceedings have already been held entitled for the enhanced amount of compensation vide judgment dated 31.01.2020 passed

by this Court in a bunch of appeals with lead case bearing RFA-1253-2014 titled as ***“Ranbir Singh and others vs. State of Haryana and others”***.

5. Based thereupon, besides applying the principle of parity, the applicant-landowner being similarly situated, is entitled for grant of similar amount of compensation, however, without any payment of interest for the period she failed to approach this Court after the decision in the reference Court. In this regard reliance can be placed upon the decisions of Hon’ble Supreme Court in case of ***Ningappa Thotappa Angadi (Dead) through LRs Vs. Special Land Acquisition Officer and Another, 2020 (19) SCC 599*** and the latest exposition of law laid down in ***“Mohar Singh (Dead) thr. LRs and ors. vs. State of Uttar Pradesh Collector and ors.”*** reported as ***2023 INSC 1019***, whereby, delay of 12 years and 353 days was condoned to accord parity between similarly placed landowners albeit no interest was awarded for delayed period. The relevant portion thereof is extracted hereunder:-

“12. Having heard learned Senior Counsel for the parties and on perusal of the material placed on record, we are satisfied that the appellants are entitled to seek parity with their co-villagers in the grant of compensation for their acquired land. This Court has consistently held in a catena of decisions that the inordinate delay in filing appeal in compensatory matters, per se, may not be fatal as the rights and equities between the parties can be well balanced by denying the statutory benefits, such as interest for the delayed period. We are thus of the considered opinion that the delay in filing the first appeal(s) could be condoned subject to the condition that the appellants would not be entitled to enure undue benefit for the delayed period. We grant such indulgence in the appellant’s favour also for the reason that a batch of first appeals at the instance of other land owners was still pending consideration before the High Court. All that the High Court ought to have emphatically denied to the late-comers was the benefit of interest including on the solatium, under Section 34 of the Act for the period from the date of passing of the award by the Reference Court till the filing of the first appeals.”

6. In view of the discussion made hereinabove, the application is allowed and delay of 836 days in filing the appeal is hereby condoned.

RFA-1042-2023 (O&M)

1. Learned counsel for the parties are *ad idem* that the matter in issue with regard to determination of market value of acquired land is squarely covered by the decision rendered by this Court in ***Ranbir Singh's*** case (supra), decided on 31.01.2020, wherein the land situated in five villages, namely, Bhogpur, Naggal Sodhian, Islam Nagar, Bhagwanpur and Miranpur Bakshiwala was acquired vide notification dated 26.09.2007, issued under Section 4 of the Land Acquisition Act, 1894, and for the same purpose i.e. for the development and utilization of land as residential area of Sector 2 part, 3, 4 and 5, Pinjore. Relevant para of ***Ranbir Singh's*** case (supra) is reproduced hereunder:-

“52. Accordingly, keeping in view the above discussion, the present appeals are allowed and the landowners are held entitled for the compensation @ Rs.1885/- per square yard (Rs.91,23,400/- per acre) along with all statutory benefits, as on 26.09.2007. All the pending civil miscellaneous applications also stand disposed of.”

2. Accordingly, the present appeal is disposed of in terms of the aforesaid decision and the appellant is held entitled for similar market value along with all statutory benefits and interest payable under the provisions of amended Land Acquisition Act, 1984, especially the benefit of interest on solatium. However, the appellant shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e. 836 days.

3. Pending application, if any, also stands disposed of.

10.12.2025

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(i) Whether speaking/reasoned:

Yes/No (ii) Whether reportable:

(HARKESH MANUJA)**JUDGE**

Yes/ No