

2025:PHHC:170105



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

**RFA-1046-2023 (O&M)
Decided on:-05.12.2025**

Mangal Dass @ Mangal Dass Dhiman

....Appellant..

VS.

State of Haryana and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Shoaib Khan, Advocate,
for the appellant.

Mr. Abhinash Jain, DAG, Haryana.

HARKESH MANUJA J. (Oral)

CM-3109-CI-2023

1. This is an application for condoning the delay of 849 days in filing the appeal.
2. Notice of the application was issued on 17.08.2023, but till date, no reply has been filed on behalf of the respondents-State, however, learned counsel for the respondents vehemently opposes the prayer made in the application and pray for dismissal of the application.
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 10.01.2020 passed

by this Court in a bunch of appeals with lead case bearing RFA-1235-2018 (O&M), titled as ***“Smt. Ram Kaur vs. State of Haryana and another”***.

5. Based thereupon, besides applying the principle of parity, the applicant-land owner being similarly situated, is entitled for grant of similar amount of compensation, however, without any payment of interest for the period he 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 849 days in filing the appeal is hereby condoned.

RFA-1046-2023 (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 ***Smt. Ram Kaur’s*** case (supra), decided on 10.01.2020, wherein the land measuring 231.77 acres situated in 07 villages namely, Ramur Seeyuri, Razipur, Surajpur, Manakpur Nanak Chand, Manakpur Thakur Dass, Lohgarh and Dhamala, was acquired vide notification dated 27.08.2007, issued under Section 4 of the Land Acquisition Act, 1894, and for the same purpose i.e. to provide access to the residential Sectors 27 to 31, Pinjore and for the purpose of providing a link road starting from NH-22 near Surajpur. Relevant portion of para 7.1 of ***Smt. Ram Kaur’s*** case (supra) is reproduced hereunder:-

“XX XX XX XX.

(ii) *For the notification dated 27.08.2007, market value is fixed @ Rs.1180/- per sq.yard (Rs.57,11,200/- per acre) for the land falling upto the depth of 2 acres (440 feet) from NH-22 and for the land abutting the Pinjore-Nalagarh road on the northern end, upto the same depth. For the land beyond the said depth of 2 acres, from both sides, the market value would work out to Rs.944/- per sq.yard (Rs.45,68,960/- per acre), along with all statutory benefits”*

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. 849 days.

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

05.12.2025

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No