



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CMs-6168 to 6170-CI-2019 and
RA-RF-86-2019 in
RSA-550-2005

Attar Singh (since deceased)
through his LRs and another

. . . . Applicant-Appellants

Vs.

State of Haryana and others

. . . . Respondents

Reserved on: 26.11.2025
Pronounced on: 27.11.2025
Uploaded on: 27.11.2025

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Argued by: - Mr. Vicky Chauhan, Advocate, for
Ms. Anita Balyan, Advocate, for the applicants-appellants.
Mr. Gaurav Garg, AAG, Haryana.

DEEPAK GUPTA, J.

The present order disposes of three applications as well as the review petition filed under Order 47 Rule 1 CPC, arising out of RSA-550-2005.

2. The first two applications, **CM-6169-CI-2019 and CM-6170-CI-2019**, have been filed under Order XXII Rule 3 CPC for bringing on record the legal representatives of appellant No.1 – Attar Singh, who expired on 19.10.2006, and appellant No.3 – Ran Singh, who expired on 06.01.2008. The particulars of their respective legal representatives have been mentioned in detail in the applications. Both applications are duly supported by affidavits of Narender Kumar, son of the deceased appellants. Since there is no contest on the correctness of the particulars supplied, both the applications are allowed, subject to all just and legal exceptions. The amended memo of parties is taken on record.

3. The substantive matter arises out of the compulsory acquisition of land situated in the revenue estate of Bahadurgarh, Hadbast No.38, acquired by the State of Haryana vide notification dated 12.05.1995 under Section 4 of the Land Acquisition Act, 1894, followed by the declaration issued on 10.05.1996. The acquisition was for development and utilization of land as a residential and commercial area in Sectors 9 and 9-A, Bahadurgarh. The Land Acquisition Collector, by Award No.1 dated 24.04.1998, assessed the market value of the land at different rates depending upon its location and nature. The Reference Court, in the proceedings under Section 18 of the Act, granted a uniform enhancement of ₹50,000/- per acre of all categories.

4. Appeals were thereafter filed both by the landowners and by the State. A Co-ordinate Bench of this Court, in a bunch of appeals led by RFA-1-2006, titled ***State of Haryana v. Jagbir Singh***, decided on 10.02.2009, re-assessed the market value at three slab rates depending upon the depth of land from the main roads. The matter travelled to Hon'ble Supreme Court at the instance of several landowners. Vide judgment dated 18.09.2013 in ***Roop Chand and another v. State of Haryana*** [CA Nos. 6837-6851 of 2009], the appeals were allowed and the matters were remanded to this Court for fresh determination.

5. After remand, a Co-ordinate Bench, in the leading case RFA-8-2005 ***Devinder Singh and others v. State of Haryana***, decided on 31.08.2015, undertook a fresh assessment and determined the market value of the acquired lands by further enhancing compensation depending on the nature and location of the land. It is not in dispute that RFA-550-2005, filed by the present appellants, was disposed of on 17.11.2015 strictly in terms of ***Devinder Singh and others (supra)***, and that the said order was not challenged by the State before Hon'ble Supreme Court.

6. Some other landowners, however, pursued the matter before Hon'ble Supreme Court, and their appeals were decided in a bunch of cases led by Civil Appeal No.19354 of 2017, titled ***Rajender Singh and others v. State of Haryana***, decided on 17.11.2017. Vide the said judgment, Hon'ble

Supreme Court further enhanced the market value of the land situated in Bahadurgarh to ₹20,00,000/- per acre; and for other neighbouring villages namely, Bir Barkatbad, Balore and Sarai Aurangabad to ₹15,00,000/- per acre.

7. It is on the strength of this later judgment of Hon'ble Supreme Court that the present review petition under Order 47 Rule 1 CPC has been filed, praying that the order dated 17.11.2015 passed by this Court be reviewed so that the appellants may also be granted the same enhanced compensation on the principle of parity.

8. Along with the review petition, **CM-6168-CI-2019** has also been filed seeking condonation of delay of 1260 days.

9. The State opposes the application for condonation of delay by contending that the appellants, not having themselves approached Hon'ble Supreme Court, cannot be allowed to reap the benefit of the enhancement granted in favour of other landowners and that such a belated request, after more than three years, deserves no indulgence by this court.

10. This Court has considered the submissions made by both sides.

11. It is fairly conceded on behalf of the State that similarly situated landowners, whose lands were acquired under the same notification, and who were parties to the same bunch of appeals, have already been held entitled to enhanced compensation first in **Devinder Singh's case (supra)** and thereafter, in **Rajender Singh's case (supra)**. It is also not denied that the lands of the present appellants form part of the very same acquisition.

12. In matters concerning compulsory acquisition of land, the law on condonation of delay has been firmly crystallised by a consistent line of decisions of Hon'ble Supreme Court. Beginning with the celebrated judgment in **Collector, Land Acquisition, Anant Nag & Nr. Vs. Mst. Katiji & Ors, (1987) 2 SCC 107**, Hon'ble Supreme Court has repeatedly held that a justice-oriented and liberal approach must be adopted while considering delay applications, especially where valuable property rights of landowners are at stake. The Court has cautioned that technicalities should not be allowed to defeat

substantial justice, and that a litigant does not ordinarily stand to benefit by lodging his claim belatedly.

13. In ***Dhiraj Singh (D) through LRs etc. v. State of Haryana & Ors.***, (2014) 14 SCC 127; and in ***Market Committee, Hodal v. Krishan Murari & Ors.***, (1996) 1 SCC 311, long delays, running into several thousand days, were condoned precisely to maintain parity between similarly situated landowners. Likewise, in ***Huchanagouda v. Assistant Commissioner & LAO***, (2020) 19 SCC 234, while condoning long delays, Hon'ble Supreme Court balanced the equities by denying interest for the delayed period. The constitutional dimension of the right to just compensation under Article 300-A has been emphasised in ***Delhi Air Tech Services Pvt. Ltd. v. State of U.P. & Anr.***, 2022 SCC Online SC 1408, read with ***Coffee Board, Karnataka v. Commissioner of Commercial Tax***, (1988) 3 SCC 263, which underscores that deprivation of private property must always be accompanied by fairness and just compensation. The most recent reiteration of these principles is found in ***Suresh Kumar v. State of Haryana & Ors.*** (2025 INSC 550), where Hon'ble Supreme Court reiterated that delay alone cannot deprive a landowner of compensation that is otherwise lawfully due.

14. Applying these principles, it is evident that the delay in the present case cannot be viewed as deliberate or mala fide. If the delay is not condoned, it would create a wholly anomalous situation, where landowners from the same acquisition would receive different compensation for identical lands, thereby offending the principles of fairness, parity and equality, which form the backbone of land acquisition jurisprudence. The only permissible way to balance equities, as recognised repeatedly by Hon'ble Supreme Court, is to deny interest for the period of delay, which the appellants have already agreed to bear.

15. In view of the above discussion, the delay of 1260 days in filing the review petition deserves to be and is hereby condoned, subject to the condition that the appellants shall not be entitled to any interest on the enhanced compensation for the said period of delay.

16. Turning now to the merits of the review application, it is not disputed that the land of the appellants is governed by the same set of notifications under Sections 4 and 6, the same award, the same reference proceedings, and the same adjudications by this Court, which culminated in the judgment in **Devinder Singh and others (supra)**. The State has fairly conceded that the judgment in **Devinder Singh**, which formed the basis of the order dated 17.11.2015 in the appellants’ appeal, has attained finality. Once Hon’ble Supreme Court has, in **Rajender Singh (supra)**, enhanced the compensation for land situated in Bahadurgarh to ₹20,00,000/- per acre; and for other neighbouring villages namely, Bir Barkatbad, Balore and Sarai Aurangabad to ₹15,00,000/- per acre, there is no justification for denying the same benefit to the present appellants, particularly when their land forms part of the same acquisition.

17. In the circumstances, the review petition deserves to be allowed. The appellants shall be entitled to enhanced compensation in terms of order Dated 17.11.2017 in Civil Appeal No.19354 of 2017, titled **Rajender Singh and others v. State of Haryana**, along with all statutory benefits admissible under the Land Acquisition Act, 1894, except that they shall not be entitled to interest for the delayed period of 1260 days, in terms of the order passed hereinabove while condoning the delay.

18. The appeal is accordingly allowed in these terms, and the review petition stands disposed of.

27.11.2025

Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>