

RFA No.540 of 2023 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

387

RFA No.540 of 2023 (O&M)
Date of Decision: 19.03.2026

NANAK CHAND (DECEASED) TH. HIS LRS AND ANR....Appellants
Vs
THE COLLECTOR, LAND ACQUISITION INDUSTRIES DEPARTMENT,
PUNJAB AND ORS.Respondents

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. D.S. Kahlon, Advocate
for the appellants.

Mr. Karunesh Kaushal, Asstt. A.G., Punjab.

Mr. Ashish Verma, Advocate
for respondent No.3.

HARKESH MANUJA, J. (Oral)

CM No.1841-CI of 2023

Prayer made in the application is for impleading the applicant(s) as legal heir(s) of appellant(s) namely Nanak Chand and Ganga Ram, who have died.

For the reasons mentioned in the application, the same is allowed, subject to all just exceptions and the applicant(s) as mentioned in paragraph No.2 of the application are ordered to be impleaded as legal heir(s) of appellant(s) namely Nanak Chand and Ganga Ram (deceased) in order to pursue the present case.

CM No.1838-CI of 2023

By way of present application, prayer has been made for condoning the delay of 6506 days in filing the present appeal.

Notice of the application.



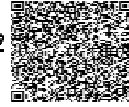
RFA No.540 of 2023 (O&M)

On asking of the Court, Mr. Karunesh Kaushal, Asstt. A.G., Punjab and Mr. Ashish Verma, Advocate accept notice on behalf of respondent Nos.1 & 2 and 3 respectively and oppose the prayer made in the application.

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

Concededly, the other similarly situated landowners pertaining to the same acquisition proceedings have already been held entitled for the enhanced amount of compensation pertaining to the land situated in revenue estate i.e. village Ranipur, Tehsil Pathankot, District Gurdaspur (now Pathankot) along with solatium and other statutory benefits, in view of judgment dated 25.04.2019 passed by the this Court in **RFA No.2122 of 2003 (O&M) with XOBJR No.126-CI of 2017** titled '*Punjab Small Industries & Export Corporation Vs. Chuhan Singh & Ors.*'

Based thereupon and applying the principle of parity, besides grant of just and fair compensation, the landowner(s)/applicant(s) being similarly situated are entitled for grant of similar amount of compensation, however, without any payment of interest for the period of delay in filing the present appeal. In this regard reliance can be placed upon the decision of Hon'ble Supreme Court in case of "Ningappa Thotappa Angadi (Dead) through LRs Vs. Special Land Acquisition Officer and Another" reported as "2020 (19) SCC 599" and the latest exposition of law laid down in Mohar Singh (Dead) Through Lrs. & Ors. Vs. State of Uttar Pradesh Collector & 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:-

**RFA No.540 of 2023 (O&M)**

“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.”

In view of the discussion made hereinabove as well as contents of the application, the same is allowed and delay of 6506 days in filing the present appeal is hereby condoned.

RFA No.540 of 2023 (O&M)

[1]. By way of present appeal, challenge has been laid to the Award dated 13.01.2003 passed by the learned Addl. District Judge, Gurdaspur-cum-Reference Court whereby Reference Petition under Section 18 of the Land Acquisition Act, 1894 preferred at the instance of appellant(s)/landowner(s) was partly allowed while awarding them compensation @ Rs.56,250/- per acre for *Barani Dome*, Rs.50,000/- per acre for *Nehri*, Rs.12,500/- per acre for *Banjar Qadim* and Rs.6250/- per acre for *Gair Mumkin* land along with other statutory benefits/interest in their favour.



RFA No.540 of 2023 (O&M)

[2]. Learned counsel for the parties are ad *idem* that under similar circumstances and pertaining to the land forming part of the same acquisition within the revenue estate of village Ranipur, Tehsil Pathankot, District Gurdaspur (now Pathankot), the market value stands increased to Rs.1,10,000/- per acre at uniform rate by this Court vide judgment dated 25.04.2019 in **RFA No.2122 of 2003 (O&M) with XOBJR No.126-CI of 2017** titled '*Punjab Small Industries & Export Corporation Vs. Chuhar Singh & Ors.*'

[3]. Accordingly, the present appeal is disposed of in terms of the decision rendered in *Punjab Small Industries & Export Corporation's* case (supra) and the appellant(s) are held entitled for similar amount of compensation as has been awarded to other similarly situated landowners, along with all statutory benefits and interest available under the amended provisions of Land Acquisition Act, 1894 as applicable to the present acquisition including the interest on solatium. However, the appellant(s) shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e. 6506 days.

[4]. Pending application(s), if any shall also stand disposed of.

March 19, 2026
Atik

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No