

2026:PHHC:036201



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

RFA-53-2025 (O&M)

Decided on:-26.02.2026

Mrs. Phoola Raina

....Appellant.

VS.

Land Acquisition Collector and others

.Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Mainee, Advocate for
Mr. Sandeep Sharma, Advocate,
for the appellant.

Mr. Abhinash Jain, DAG, Haryana.

HARKESH MANUJA J. (Oral)

CM-156-CI-2025

1. Prayer in this application is for condonation of delay of 4095 days in filing the appeal.

2. Notice of the application was issued on 01.09.2025, 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 prays 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 landowners pertaining to the same acquisition proceedings have already been held entitled for the

enhanced amount vide judgment dated 05.09.2017 passed by the Hon'ble

Supreme Court in SLP No.11814-11864 of 2017, titled as “***State of Haryana and others. Etc. vs. Ram Chander & another etc.***”.

5. Based thereupon, besides applying the principle of parity, the applicant-landowner being similarly situated, is entitled for grant of similar benefits, however, without any payment of interest for the period she failed to approach this Court after the decision of the learned 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 4095 days in filing the appeal is hereby condoned.

RFA-53-2025

1. At the outset, learned counsel for the appellant submits that the present appeal is squarely covered by the judgment dated **05.09.2017** passed by the Hon’ble Supreme Court in **SLP No.11814-11864 of 2017**, titled as **“State of Haryana and others. Etc. vs. Ram Chander & another etc.”** whereby the determination made by this Court was modified by deducting 15% towards development cost. The relevant paras 7 and 10 of the judgment are reproduced hereunder:-

“7. These are the appeals preferred against a common judgment passed by the High Court. The acquisition had taken place by the issuance of separate notifications under Section 4 of the Land Acquisition Act, 1894 (in short ‘the Act’) on 25.1.2008. The lands are situated in 11 different villages. A table is given below, depicting the area of land acquired and the amount of compensation awarded by the Land Acquisition Collector, the Reference Court, and the High Court:

Sl. No.	Village	Land measuring in acres	LAC AWARD	Amount decided by reference court	Amount decided by the High Court
1	GURGAON	51.10	Rs. 90 Lacs	Rs. 1,64,75,000 CR	Rs. 3,05,01,680 CR
2	CHOMA		Rs. 60 lacs	Rs. 1,84,00,000 CR	Rs. 4,78,05,588 CR
3	PAWALA KHUSRUPUR	48.23	Rs. 60 lacs	Rs. 1,41,37,575 CR	Rs. 4,65,52,331 CR
4	BASAI	18.20	Rs. 60 lacs	Rs. 1,75,00,000 CR	Rs. 2,50,00,000 CR
5	KHERKI MAJRA DHANKOT	67.07	Rs. 60 lacs	Rs. 1,26,00,000 CR	Rs. 2,80,00,000 CR
6	DHANVAPUR	34.81	Rs. 60 lacs	Rs. 1,53,00,000 CR	Rs. 3,00,00,000 CR
7	TEEKAMPUR	15.28	Rs. 60 lacs	Rs. 91,87,000 LACS	Rs. 1,81,58,768
8	HARSARU	88.54	Rs. 50 lacs	Rs. 50,00,000 LACS	Rs. 1,20,14,000
9	SIHI	72.19	Rs. 60 lacs	Rs. 1,51,71,800	Rs. 5,09,26,672
10	KHERKI DAULA	27.43	Rs. 60 lacs	Rs. 1,02,00,000	Rs. 1,92,30,400
11	GARAULI KALAN	18.53	Rs. 50 lacs	Rs. 1,21,18,503	Rs. 2,03,71,678

10. In our opinion, the deduction of 15% towards development would

have been sufficient, which ought to have been made in the instant cases, in the peculiar facts of the case, considering the potentiality of the area in question and the development which has taken place all around. This order not to be treated as a precedent in any other case. Thus, we modify the determination made by the High Court to the above extent only. Let deduction be made accordingly.”

2. On the other hand, learned counsel representing the respondents is not in a position to controvert the above factual position, however, he submits that the cross-appeal bearing RFA-3151-2014 preferred at the instance of State already stands disposed of by this Court vide order dated 20.05.2016.

3. After going through the judgment passed in ***Ram Chander & another’s case (supra)*** as well as the present case, this Court agrees with the assertion of the learned counsel for the appellant.

4. Consequently, the present appeal is disposed of in the same terms as ***Ram Chander & another’s case (supra)***.

5. It is further added that the appellant-landowner shall not be entitled to interest for the period of delay of 4095 days, in filing the appeal.

6. Pending application, if any, also stand disposed of.

26.02.2026

sonika

(HARKESH MANUJA)
JUDGE

(i) Whether speaking/reasoned: Yes/No
(ii) Whether reportable: Yes/ No