

2026:PHHC:034096



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

RFA-982-2023 (O&M)

Decided on:-05.03.2026

Charan Singh (since deceased) thr. his LR's.

....Appellants.

vs.

Union Territory, Chandigarh and others

.Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Rajiv Dhiman, Advocate and
Mr. S.N. Kandpal, Advocate,
for the appellants.

Mr. Jaiveer S. Chandel, Senior Standing counsel for U.T.
Chandigarh.

HARKESH MANUJA J. (Oral)

CM-1175-CI-2026

This is an application for preponing the date of hearing in the
main appeal.

Notice of the application.

Mr. Jaiveer S. Chandel, Senior Standing counsel for U.T.
Chandigarh, accepts notice on behalf of the respondent and raises no
objection to the prayer made in the application.

Having heard learned counsel for the parties and considering
the contents of the application, prayer made herein is allowed and the date of
hearing of the main appeal is postponed from 07.03.2026 to today itself i.e.
05.03.2026 for hearing.

CM-2938-CI-2023

1. Prayer in this application is for condonation of delay of 3757 days in filing the appeal.
2. Notice of the application.
3. Mr. Jaiveer S. Chandel, Senior Standing counsel for U.T. Chandigarh, accepts notice on behalf of the respondent and opposes the prayer made in the application and prays for dismissal of the application.
4. I have heard learned counsel for the parties and gone through the contents of the application.
5. Concededly, the other similarly situated landowners pertaining to the same acquisition proceedings have already been held entitled for the enhanced amount vide judgment dated 11.12.2015 passed by this Court in RFA-4090-2013 titled as ***“Jumla Mushtarka Malkan Va Deegar Haqdaran of Village Lahora vs. Union Territory, Chandigarh”***.
6. Based thereupon, besides applying the principle of parity, the applicant(s)-landowner(s) being similarly situated, are entitled for grant of similar benefits, however, without any payment of interest for the period they 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.”

7. In view of the discussion made hereinabove, the application is allowed and delay of 3757 days in filing the appeal is hereby condoned.

CM-2939-CI-2023

Application is allowed as prayed for. Certified copy of order dated 27.09.2018 is taken on record, subject to all just exceptions.

CM-2940-CI-2023

Prayer in this application is for impleading the legal heirs of appellant-Charan Singh, who died on 17.02.2009.

Notice of the application.

Mr. Jaiveer S. Chandel, Senior Standing counsel for U.T.

Chandigarh, accepts notice on behalf of the respondent and raises no objection to the prayer made in the application.

Having heard learned counsel for the parties and gone through the contents of the application, prayer made herein is allowed and persons mentioned in para 2 of the application are ordered to be impleaded as the legal representatives of appellant-Charan Singh (since deceased).

CM-1176-CI-2026 in/and RFA-982-2023

1. At the outset, learned counsel for the appellants submits that the present appeal is squarely covered by judgment dated 11.12.2015 passed by this Court in RFA-4090-2013 (O&M), titled as ***“Jumla Mushtarka Malkan Va Deegar Haqdaran of village Lahora vs. Union Territory, Chandigarh”***, whereby, the market value of the acquired land was re-assessed at the rate of Rs.33,75,000/- per acre. The relevant portion of the judgment is reproduced hereunder:-

“The fact that for the purpose of assessment of compensation for the acquired land, the reliance was placed upon award of the reference Court pertaining to earlier acquisition of land of same village Lahora, for which notification under Section 4 of the Act was issued on 20.11.2003, is not disputed. The principle is not in dispute as no appeal has been filed by the Union Territory, Chandigarh. For the aforesaid acquisition, this Court in Sh. Kanwaljit Singh Mujral’s case (supra), had assessed the compensation @ Rs.27,90,000/- per acre. There is a time gap of twenty months in between two acquisitions namely acquisition dated 20.11.2003 and the acquisition in question where notification under Section 4 of the Act was issued on 25.7.2005. IF for the aforesaid time gap increase with cumulative effect @ 12% per annum is granted, the amount of compensation would come out to Rs.33,74,784/- per acre, which is rounded off to Rs.33,75,000/- per acre.

Accordingly, the landowners are granted compensation @ Rs.33,75,000/- per acre. They shall also be entitled to all the statutory benefits available to them under the Act.

The appeals are allowed.”

2. On the other hand, learned counsel representing the respondents is not in a position to controvert the above factual position.

3. After going through the judgment passed in ***Jumla Mushtarka Malkan Va Deegar Haqdaran’s case (supra)*** as well as the present case, this Court agrees with the assertion of the learned counsel for the appellants.

4. Consequently, the present appeal is disposed of in the same terms as ***Jumla Mushtarka Malkan Va Deegar Haqdaran’s case (supra)***.

5. It is further added that the appellant(s)-landowner(s) shall not be entitled to interest for the period of delay of 3757 days, in filing the appeal.

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

05.03.2026

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(HARKESH MANUJA)
JUDGE

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