



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-3234-CI-2023 in/and
RFA-1104-2023 (O&M)**

Mehar Singh

. . . . Appellant

Vs.

State of Haryana and others

. . . . Respondents

**Reserved on:12.02.2026
Pronounced on: 13.02.2026
Pronounced Fully/Operative Part: Fully**

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Ajit Malik, Advocate, for the appellant.
Mr. Gaurav Garg, AAG, Haryana.

DEEPAK GUPTA, J.

The present appeal under Section 54 of the Land Acquisition Act, 1894 has been preferred seeking re-determination of the market value of the acquired land of the appellant, assailing the award dated 31.03.2012 passed by the learned Reference Court. The appeal is accompanied by an application (**CM-3234-CI-2023**) under Section 5 of the Limitation Act, 1963 for condonation of delay of 3259 days in filing the appeal.

2. The applicant-appellant is a landowner, whose land situated in village Khewra, Tehsil and District Sonipat, was acquired by the State of Haryana for the public purpose of development of Rajiv Gandhi Education City. Dissatisfied with the compensation awarded by the Land Acquisition Collector, the appellant sought a reference under Section 18 of the Land Acquisition Act, 1894. The learned Reference Court, vide award dated 31.03.2012, determined the market value of the land of village Khewra at ₹32 lakhs per acre along with other statutory benefits.

3. Aggrieved by the said award, the present appeal has been filed, albeit with a delay of 3259 days.

4. In the application seeking condonation of delay, it has been averred that immediately after the award dated 31.03.2012, landowners of villages Asawarpur and Khewra convened a meeting to file appeals collectively. A committee was constituted for the said purpose. The appellant, stated to be aged and illiterate, handed over the copy of the award and executed Vakalatnama to the committee members under the bona fide belief that his appeal had been filed along with other similarly situated landowners. It is further pleaded that he remained unwell for a considerable period and that his son, serving in the Army, could not regularly pursue the matter. Thereafter, the COVID-19 pandemic intervened, disrupting normal functioning. Eventually, the appellant came to know that the appeals filed by other landowners had already been decided by this Court. It is submitted that the delay is neither intentional nor deliberate and that denial of enhanced compensation would result in grave injustice.

5. Learned counsel for the appellant has further pointed out that appeals arising out of the same acquisition were decided by this Court on 03.11.2015. Subsequent proceedings before the Hon'ble Supreme Court, including SLPs, review applications, and remand, culminated in a common judgment dated 05.07.2019 passed by a Coordinate Bench in **RFA No.4101-2008 titled *HSIDC (now HSIIDC) v. Rajesh Kumar-II and others***, whereby compensation was enhanced. It is submitted that the present appellant stands on identical footing and that parity demands extension of the same benefit.

6. Learned State counsel, while opposing condonation of delay, has fairly conceded that the land of the appellant forms part of the same acquisition and is governed by the judgment dated 05.07.2019.

7. Having considered the submissions and examined the record, this Court finds that the land of the appellant indisputably forms part of the same acquisition proceedings, governed by the same notifications issued under Sections 4 and 6 of the Act, the same award of the Land Acquisition Collector, and the same reference adjudication. Similarly situated landowners have

already been granted enhanced compensation in terms of the judgment dated 05.07.2019, which has attained finality.

8. The question that arises is whether the inordinate delay of 3259 days deserves to be condoned or not.

9. The principles governing condonation of delay in land acquisition matters have been consistently delineated by the Hon'ble Supreme Court. In ***Collector, Land Acquisition, Anantnag and another v. Mst. Katiji and others, (1987) 2 SCC 107***, it was held that a pragmatic, liberal and justice-oriented approach must inform the exercise of discretion under Section 5 of the Limitation Act. The Court observed that refusal to condone delay may result in meritorious matters being thrown out at the threshold, and that a litigant ordinarily does not stand to gain by filing an appeal belatedly.

10. In ***Market Committee, Hodal v. Krishan Murari and others, (1996) 1 SCC 311***, and ***Dhiraj Singh (dead) through LRs and others v. State of Haryana and others, (2014) 14 SCC 127***, long delays in filing appeals arising from the same acquisition were condoned to ensure uniformity and parity among landowners. Similarly, in ***Huchanagouda v. Assistant Commissioner and Land Acquisition Officer and another, (2020) 19 SCC 236***, while condoning substantial delay, the Hon'ble Supreme Court balanced equities by denying interest for the delayed period.

11. The constitutional dimension of the right to just compensation under Article 300-A has been underscored in ***Delhi Air Tech Services Pvt. Ltd. v. State of U.P., 2022 SCC OnLine SC 1408***, read with ***Coffee Board, Karnataka, Bangalore v. Commissioner of Commercial Tax, (1988) 3 SCC 263***, holding that deprivation of property must be accompanied by fairness and adequate compensation. The most recent reiteration of these principles is found in ***Suresh Kumar v. State of Haryana and others (2025 INSC 550)***, where it was held that delay alone cannot be a ground to deny compensation lawfully payable, particularly when denial would lead to discriminatory treatment among similarly situated landowners.

12. The underlying rationale in such decisions is that compulsory acquisition deprives a citizen of property by operation of law, and once a Court has judicially determined the fair market value for lands covered by the same notification, denial of similar compensation to a landowner solely on the ground of delay would lead to discriminatory treatment. Such disparity would offend not only principles of equality but also the guarantee under Article 300-A of the Constitution that deprivation of property must be accompanied by just and fair compensation.

13. In the present case, the explanation furnished by the appellant, though not exemplary in diligence, cannot be said to be wholly lacking in bona fides. The appellant is stated to be aged and illiterate, and there is material to suggest that collective action was initiated by landowners. It is also significant that the appellant would derive no strategic advantage by approaching this Court belatedly. On the contrary, non-condonation would result in permanent denial of compensation already judicially recognized as just and fair for identically situated landowners.

14. In these circumstances, this Court is of the considered view that substantial justice would be advanced by condoning the delay, subject to appropriate conditions so as to balance equities. Consistent with the approach adopted by the Hon'ble Supreme Court in similar matters, the ends of justice would be met by denying interest on the enhanced compensation for the period of delay.

15. Accordingly, the delay of 3259 days in filing the appeal is condoned on the condition that the appellant shall not be entitled to interest on the enhanced compensation for the said period.

16. On merits, it is not disputed that the appellant's land is covered by the same acquisition and that the determination rendered in **RFA No.4101-2008 titled *HSIDC (now HSIIDC) v. Rajesh Kumar-II and others decided on 05.07.2019*** governs the field. The State has fairly conceded the said position. Once this Court has enhanced compensation for lands forming part of the same

acquisition, denial of similar relief to the present appellant would be indefensible.

17. Consequently, the appeal is allowed. The applicant–appellant shall be entitled to enhanced compensation in terms of the judgment dated 05.07.2019 in RFA No.4101-2008 along with all other statutory benefits admissible under the Land Acquisition Act, 1894, except interest for the delayed period of 3259 days.

18. CM-3234-CI-2023 under Section 5 of the Limitation Act as well as RFA No.1104-2023 stand allowed in the above terms. Pending application(s), if any, also stand disposed of.

(DEEPAK GUPTA)
JUDGE

13.02.2026

Vivek

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

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