

2026:PHHC:047158



200 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-773-2024 (O&M)
Decided on:-24.03.2026

Rajender KumarAppellant.

VS.

State of Haryana and others .Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Amrainder Singh, Advocate,
for the appellant.

Mr. Abhinash Jain, DAG, Haryana.

HARKESH MANUJA J. (Oral)

CM-1968-CI-2024

Application is allowed as prayed for.

CM-1966 & 1967-CI-2024

1. Prayer in the aforementioned applications is for condonation of delay of 34 and 737 days, respectively in refiling and filing the appeal.
2. Notice of the applications.
3. Mr. Abhinash Jain, DAG, Haryana, accepts notice on behalf of respondent-State and submits that no reply is required to be filed in the present applications, however, vehemently opposes the prayer made in the applications and prays for dismissal of the same.
4. I have heard learned counsel for the parties and gone through the contents of the applications.

5. Concededly, the other similarly situated landowners pertaining to the same acquisition proceedings have already been held entitled for award of compensation vide judgment dated 07.02.2025 passed by this Court in RFA-113-2023, titled as ***“State of Haryana and others vs. Rajender Kumar”***.

6. Based thereupon, besides applying the principle of parity, the applicants-landowners 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 of 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 applications are allowed and delay of 34 and 737 days, respectively in refiling and filing the appeal is hereby condoned.

Main case

1. By way of present appeal, challenge has been laid to an Award dated 27.02.2020 passed by the Court of learned Additional District Judge, Narnaul, whereby the reference petition(s) preferred at the instance of appellants-landowners, were partly allowed.

2. At the outset, learned counsel for the appellants submits that the present appeal is squarely covered by ***Rajender Kumar's case (supra)***, which was decided along with a bunch of appeals, lead case of which was ***RFA-628-2022***, titled as ***"State of Haryana and others vs. Desh Raj"***, whereby, the market value of the acquired land situated in the revenue estate of Narnaul Town, Tehsil Narnaul, District Mohindergarh was re-assessed @ Rs.31,72,000/- per acre. The relevant portion of the judgment is reproduced hereunder:-

"Consequently, all State's appeals are allowed and the market value of the acquired land is assessed @ Rs.31,72,000/- per acre by calculating 12% increase per year on the base price of Rs.29,96,405/- per acre, which shall be payable to the landowners along with all statutory benefits of the amended act, whereas, all the landowners' appeals shall stand dismissed."

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

4. After going through the judgment passed in ***Rajender Kumar's case (supra)*** and ***Desh Raj's case (supra)*** as well as the present case, this Court agrees with the assertion of the learned counsel for the appellants.

5. Consequently, the present appeal is disposed of in the same terms as ***Rajender Kumar's case (supra)*** and ***Desh Raj's case (supra)*** and the appellants are held entitled for similar amount of compensation @ Rs.31,72,000/- per acre as has been awarded to other similarly situated landowners along with all statutory benefits and interest available under the amended provisions of 1894 Act as applicable to the present acquisition including the interest on solatium. However, the appellants-landowners shall not be entitled to interest for the period of delay of 34 and 737 days, respectively in refiling and filing the appeal.

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

24.03.2026
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(HARKESH MANUJA)
JUDGE

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