



259-4

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

RFA No. 1008 of 2023 (O&M)

Date of Decision: 05.05.2026

Piaro alias Pyar Kaur (deceased) through LRs

...Appellants

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gaurav Partap Pathania, Advocate
for the appellants.

Mr. Sunil Kumar Sharma, Sr. Central Govt. Counsel
for respondent Nos. 1 & 3-UOI

Mr. Gunjan Mehta, Additional Advocate General, Punjab
for respondent No. 2.

HARKESH MANUJA, J. (ORAL)

CM No. 2540-CI of 2024

Application for placing on record the reply to the application for condonation of delay of 5742 days in filing the appeal, moved on behalf of the applicants-respondent Nos. 1 & 3, is **allowed** subject to all just exceptions. The same is taken on record.

Registry to do the needful.

CM No. 3014-CI of 2023

Prayer in the present application is for condonation of delay of 5742 days in filing the appeal.

Notice of the application was issued on 07.11.2023 and in response thereof, reply on behalf of respondent Nos. 1 & 3-UOI has been filed.

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

To seek condonation of delay, the following reasons have been expressed in paras-2 to 5 of the application, which are extracted hereunder:-

- “2. *That the appellants filed reference under section 18 of the Land Acquisition Act for enhancement of the compensation with regard to the land for which the compensation was inadequately assessed by the respondents. The Ld. Reference court decided the reference of the applicants-appellants on 17.07.2007 and enhanced very meager amount of compensation.*
3. *That the applicants-appellants engaged the services of Advocate at Gurdaspur and he informed accordingly the decision of the case. The land of the applicants/appellants was acquired and even the Collector has given very meager amount of compensation to the applicants / appellants. The applicants / appellants are very poor persons and have lost their land in the compulsory acquisition of land by the Defence of India.*
4. *That the applicants/appellants came to know about the similar appeals decided by this Hon'ble High Court in RFA No.2902 of 1999 Union of India and others Versus Major*

Pritam Singh and others of the same notification. This Hon'ble Court has enhanced the compensation of the similar acquisition to the tune of Rs.2300/- per marla uniform rate for all kinds of land. The appellants could not file the appeal due to paucity of funds as the land has been taken away and the Collector has granted very lesser amount and the appellants could not filed the appeal due to the reason that the funds were not available with the appellants.

5. *That the applicants/appellants are very poor person and could not file the appeal in time due to paucity of funds as they were not even paid the compensation immediately and whatever has been paid that was so meager amount that the applicants/appellant could not even able to file the appeals as they have to construct houses and to meet other expenses and needed money for their livelihood.”*

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 acquired land falling in the same revenue estate, i.e. ***Village Nagrota, Tehsil and District Pathankot***, to the tune of Rs. 2,300 per marla, in view of judgment/order dated 17.02.2016 passed by this Court in a bunch of appeals, lead case of which was ***RFA No. 2902 of 1999***, titled ***“Union of India and another Versus Major Pritam Singh and another”***.

Based thereupon and applying the principle of parity, besides grant of just and fair compensation, the landowners/applicants being similarly situated are held 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 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. Relevant paragraph Nos. 9 to 11 of **Ningappa's case (supra)** and paragraph No.12 of **Mohar Singh's case (supra)** are reproduced hereunder:-

“Paragraphs 9 to 11 of Ningappa's case

9. The afore-cited view has been consistently followed by this Court in a series of cases before and after the decision in Dhiraj Singh's (dead) case (supra). In Imrat Lal & Ors. v. Land Acquisition Collector & Ors., 2014 14 SCC 133, it was observed that the delay in filing the Special Leave Petition cannot be the reason to deny just and fair compensation to the claimants. This Court observed that a liberal approach should be adopted in such like matters. In Huchanagouda v. Assistant Commissioner and Land Acquisition Officer, 2019 SCC Online SC 990 also this Court condoned the

delay and restored parity in the matter of grant of compensation though with a condition 'that for the period of delay in filing and in refiling the Special Leave Petitions, the appellant claimant(s) shall not be entitled to any interest on the enhanced compensation and statutory amount.' 10. It is undeniable that this Court vide judgment dated November 11, 2016 passed in C.A. No. 2927/2010 (Ningappa Thotappa Angadi v. Special Land Acquisition Officer & Anr.) has set aside the order of the High Court and restored the compensation as was awarded by the Reference Court. In the cited case, this Court held as follows:

'We have heard the learned counsel for the parties to some length and carefully perused the material on record. We are of the considered opinion that the impugned judgment and order of the High Court deserves to be set aside and judgment and order passed by the Reference Court restored. We say so because, this Court has in a similar appeal directed against the very same order set aside the impugned judgment and restored the enhancement granted by the Reference Court. We see no reason to take a different view in the present case. We, accordingly, allow this appeal and while setting aside the impugned judgment insofar as the same relates to the appellant, restore the judgment and order passed by the Reference Court. The parties shall, however, bear their own costs.'

11. The appellant(s) are also similarly placed claimants. They are, thus, entitled to seek parity and claim the same amount of fair and just compensation as has been awarded to other land owners. The appellant(s) are, however, not entitled to seek interest

for the period for which they did not approach this Court.”

“Paragraph 12 of Mohar Singh’s case

“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 in filing, as mentioned above, is hereby condoned. However, the applicants shall not be entitled for interest for the period of delay in filing the appeal.

MAIN APPEAL

At the outset, learned counsel for the appellants submits that the present appeal is squarely covered by the judgment dated 17.02.2016 passed by this Court in a bunch of appeals, lead case of which was ***RFA No.2902 of 1999***, titled ***“Union of India and another***

Versus Major Pritam Singh and another”, whereby the market value was fixed at the uniform rate of Rs. 2,300/- per marla for the land acquired vide notifications under Sections 4 as well as 6 of the Land Acquisition Act, 1894 issued on 22.02.1991, invoking the urgency clause under Section 17 thereof.

[2] On the other hand, learned counsel(s) for the respondent(s) are not in a position to controvert the above factual position.

[3] After going through the judgment passed in **Major Pritam Singh’s case (supra)** as well as the facts of the present case, this Court agrees with the assertion of the learned counsel for the appellants.

[4] Consequently, the present appeal is **disposed off** in the same terms as **Major Pritam Singh’s case (supra)**.

[5] It is further added that the appellants shall not be entitled to interest for the period of delay in filing the appeal.

[6] Also, wherever the landowner(s) has/have unfortunately died in the appeal(s) / cross-objection(s) after filing thereof and the legal representatives have not been impleaded, they shall be at liberty to seek execution of the present decision by moving appropriate application(s) before the learned Executing Court.

[7] Pending miscellaneous application(s), if any, shall stand(s) disposed off.

May 05, 2026

(HARKESH MANUJA)
JUDGE

‘dk kamra’

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No