

2026:PHHC:081732



174 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-1120-2022 (O&M)

Decided on:-21.05.2026

Bhaiy Ram (since deceased) thr. LRsAppellant.

vs.

State of Haryana and others .Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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

Mr. Abhinash Jain, DAG, Haryana.

Ms. Surbhi Rana, Advocate for
Mr. P.S. Saini, Advocate for respondent-HSIIDC.

HARKESH MANUJA J. (Oral)

CM-2142-CI-2026

Prayer in this application is for preponing the date of hearing in the main appeal, which is fixed for 20.08.2026.

Notice of the application.

Mr. Abhinash Jain, DAG, Haryana, accepts notice on behalf of respondents No.1 & 2, whereas, Ms. Surbhi Rana, Advocate for Mr. P.S. Saini, Advocate, accepts notice on behalf of respondent No.3 and raise no objection to the prayer made in the application.

Having heard learned counsel for the parties and gone through the contents of the application, the prayer made herein is allowed and the date of hearing in the main appeal is preponed from 20.08.2026 to today

itself i.e. 21.05.2026 for hearing.

CM-2964-CI-2022

1. Prayer in the present application is for condonation of delay of 3692 days in filing the appeal.

2. Despite notice, no reply has been filed on behalf of the respondents, however, learned counsel representing the respondents vehemently opposes the prayer made in 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 award of compensation vide judgment dated 21.11.2019 passed by this Court in a bunch of appeals, lead case of which was ***RFA-5121-2018 (O&M)***, titled as ***“Ran Singh and others vs. State of Haryana and others”***.

5. Based thereupon, besides applying the principle of parity, the applicant(s)-landowner(s) being similarly situated, is/are entitled for grant of similar benefits, however, without any payment of interest for the period he/they 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 3692 days in filing the appeal is hereby condoned.

Main case

1. By way of present appeal, challenge has been laid to an Award dated 24.02.2010 passed by the learned Additional District Judge, Sonapat, whereby the reference petition preferred at the instance of appellant-landowner, was dismissed.

2. At the outset, learned counsel for the appellant(s) submits that the present appeal is squarely covered by ***Ran Singh’s case (supra)***, whereby, the market value of the acquired land situated in the revenue estate of village Abaspur, District Sonapat acquired vide notification dated 27.08.2004 under Section 4 of the Land Acquisition Act, 1894, was

determined @ Rs.17,00,000/- per acre. The relevant portion of the judgment passed in ***Ran Singh's case (supra)*** is reproduced hereunder:-

“Reference Court, Sonapat had dismissed the reference petitions vide award dated 24.02.2010 and upheld the compensation awarded @ Rs.12.50 lakhs per acre. This Court, while dealing with the said award in HSIDC (now Haryana State Industrial & Infrastructure Development Corporation) Vs. Rajesh Kumar-II & others, decided on 05.07.2019, enhanced the market value to Rs.17 lakhs per acre for Village Abaspur, i.e., the village in question, for the notification dated 27.08.2004. Apart from that, 50% severance on the market value on account of statutory restrictions and on account of the Expressway cutting through the land had been granted, while dealing with the said notification and other connected notifications. Relevant portion of the judgment reads as under:

“189. Keeping in view the above, the market value alongwith all statutory benefits is fixed as under:-

*(i) For the first notification dated 13.08.2004, for the land falling in Villages Badh Malik and Pritampura, the market value would be Rs.21,00,000/- per acre. For Jatheri and Akbarpur Barota, Rs.19,00,000/-. For the lands of Villages **Abaspur** and Chattera Bahadur, acquired by second notification dated 27.08.2004, the market value would work out to Rs.17,00,000/-. The landowners would also be entitled to 50% severance on the market value on account of the statutory restrictions imposed on the balance land and the expressway making the other portion of the land non-viable for cultivation on account of denial of access. However, the benefit of solatium and interest element under Section 23 (1-A) and Section 23(2) would not be payable on the amount of severance.”*

are not in a position to controvert the above factual position.

4. After going through the judgments passed in ***Ran 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 appellant(s).

5. Consequently, the present appeal is disposed of in the same terms as ***Ran Singh's case (supra)*** and the appellant is held entitled for similar amount of compensation @ Rs.17,00,000/- 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.

6. It is further added that the appellant(s)-landowner(s) shall not be entitled to interest for the period of delay of 3692 days in filing the appeal.

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

21.05.2026

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(HARKESH MANUJA)
JUDGE

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