

2026:PHHC:053791



175 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-830-2024 (O&M)

Decided on:-07.04.2026

Lilu Ram

....Appellant.

vs.

State of Haryana and others

.Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Parmod Chauhan, Advocate for the appellant.

Mr. Abhinash Jain, DAG, Haryana.

HARKESH MANUJA J. (Oral)

CM-2080-CI-2024

1. Prayer in the present application is for condonation of delay of 3180 days in filing the appeal.

2. Short reply by way of affidavit of Mr. Prince Saini, Executive Engineer, Construction Division No.6 Hisar, has been filed on behalf of respondent No.3 in Court today and the same is taken on record.

3. I have heard learned counsel for the parties and gone through the contents of the application as well as reply filed on behalf of respondent No.3.

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 11.12.2019 passed by this Court in a bunch of appeals, lead case of which was ***RFA-372-2019 (O&M)***, titled as ***“Harbans and others vs. State of Haryana and others”***.

5. Based thereupon, besides applying the principle of parity, the applicant-landowner being similarly situated, is entitled for grant of similar benefits, however, without any payment of interest for the period he 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 3180 days in filing the appeal is hereby condoned.

Main case

1. By way of present appeal, challenge has been laid to an Award dated 20.09.2013 passed by the Court of learned Additional District Judge, Fatehabad, whereby the reference petition preferred at the instance of appellant-landowner, was dismissed.

2. At the outset, learned counsel for the appellant submits that the present appeal is squarely covered by ***Harbans's case (supra)***, which was decided in terms of decision dated 29.10.2015 passed by this Court in ***RFA-4584-2015***, titled as ***"Seema Devi vs. State of Haryana and others"*** whereby, the market value of the acquired land situated in the revenue estate of village Ramsara, Tehsil & District Fatehabad acquired vide notification dated 29.12.2004 under Section 4 of the 1894 Act, was re-assessed @ Rs.6,07,000/- per acre. The relevant portion of the judgment passed in ***Seema Devi's case (supra)*** is reproduced hereunder:-

"The aforesaid policy letters, in my opinion, can be considered as a piece of evidence showing the value of the land. The increase from ₹5,00,000/- to ₹ 8,00,000/- if calculated from 5.3.2005 till 22.3.2007, the effective dates of two policies, providing for minimum rates, the same comes to ₹ 12,500/- per month. Taking into account the aforesaid facts, as the award in the present case was announced by the Collector on 28.11.2005, the landowner in the present case deserves to be granted compensation by adding ₹ 12,500/- per month on ₹ 5,00,000/- with effect from 5.3.2005 till the announcement of award by the Collector in the present case i.e. about 8½ months. If the aforesaid amount is added, the compensation comes to ₹ 6,06,250/-, which is rounded off to ₹6,07,000/- per acre.

For the reasons mentioned above, the appeal is allowed.

The award of learned Court below is modified only to the extent of value of the acquired land. The same is assessed @ ₹ 6,07,000/- per acre. Amount of damages awarded on account of severance is upheld. The landowner shall also be entitled to all the statutory benefits available to her under the Act. However, she shall not be entitled to interest for the period of delay in filing the appeal i.e. 558 days”

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 judgments passed in ***Harbans’s case (supra)*** and ***Seema Devi’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.

5. Consequently, the present appeal is disposed of in the same terms as ***Harbans’s case (supra)*** and ***Seema Devi’s case (supra)*** and the appellant is held entitled for similar amount of compensation @ Rs.6,07,000/- 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-landowner shall not be entitled to interest for the period of delay of 3180 days in filing the appeal.

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

07.04.2026
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(HARKESH MANUJA)
JUDGE

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