

2026:PHHC:043045



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

RFA-1214-2024 (O&M)

Decided on:-18.03.2026

Parash Ram (deceased) thr. his LRs

....Appellant(s).

vs.

State of Haryana and others

.Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sarvesh Malik, Advocate for the appellants.

Mr. Abhinav Kalia, DAG, Haryana.

HARKESH MANUJA J. (Oral)

CM-3018 & 3019-CI-2024

1. Prayer in the aforementioned applications is for condonation of delay of 3595 and 898 days, respectively in filing and refiling the appeal.

2. Notice of the applications was issued on 26.11.2025, but till date, no reply has been filed on behalf of the respondents-State, however, learned counsel for the respondents vehemently opposes the prayer made in the applications and prays for dismissal of the applications.

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

4. Concededly, the other similarly situated landowners pertaining to the same acquisition proceedings have already been held entitled for enhanced amount of compensation vide judgment dated 26.04.2017 passed

by this Court in a bunch of appeals, lead case of which was RFA-3491-2013,

titled as ***“Smt. Indirawati alias Indira Devi and others vs. State of Haryana through Collector, Rohtak and others”***.

5. 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.”

6. In view of the discussion made hereinabove, the applications are allowed and delay of 3595 and 898 days, respectively in filing and refiling the appeal is hereby condoned.

Main case

1. By way of present appeal, challenge has been laid to an Award dated 29.01.2010 passed by the Court of learned Additional District Judge, Rohtak, 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 ***Smt. Indirawati @ Indira Devi and others’s case (supra)***, whereby, the market value of the acquired land situated in the revenue estate of village Kharawar was assessed @ Rs.15,52,500/- per acre. The relevant portion of the judgment is reproduced hereunder:-

“A bare analysis of the site plan (Annexure A1) read with the document (Annexure A2), brought on record by the State, reveals that village Gandhra is 4 kilometers away from Kharawar, Ismaila-11 biswa and Ismaila-9 biswa are located at a distance of 1.40 kilometers from Gandhra, and rest of the three villages that is Sampla, Kheri Sampla and Garhi Sampla are located at 5.10 kilometers from Ismaila. The advantage that I have in the matter in hand is that value of the land that is situated in village Kharawar, that adjoins the town boundary has already been assessed by this Court in the case of Ramphal (supra). And more than that the said assessment is final and conclusive. Needless to assert that more often than not value of the land under acquisition

cannot be evaluated with mathematical precision. Thus, absent any safer option, the method that is, fair, reasoned and enables the Court, as far as feasible, to assess the true value of the acquired land, has to be adhered to. Thus, on a due and thoughtful consideration of the matter in issue, I am of the view that if the entire distance of 10 kilometers between Kharawar to Sampla is divided into strips/belts of one kilometer each, and a deduction of 5% is caused, for each kilometer, in the value of land situated in village Kharawar i.e. ₹15,52,500/- per acre, than village Gandhra being at a distance of four kilometers from Kharawar, value of the land in the said village shall be 20% less i.e. ₹12,42,000/- per acre. Likewise, value of the land situated in villages Ismaila-11 biswa and Ismaila-9 biswa, that is situated at a distance of 1.40 from Gandhra or 5.40 from Kharawar, shall be 25% less i.e. ₹11,64,375/- per acre. And the claimants/landowners whose land formed part of the revenue estate of village Sampla, Kheri Sampla and Garhi Sampla, situated at a distance of 10.5 kilometers from Kharawar shall be entitled to compensation at ₹7,76,250/- per acre i.e. 50% less than the value of land situated in village Kharawar.

In conspectus of the above:-

(a) the claimants/landowners whose land formed part of the revenue estate of village Kharawar shall be entitled to compensation @ ₹15,52,500/- per acre;

XXX XXX XXX
XXX XXX”

- 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 **Smt. Indirawati @ Indira Devi and others’s case (supra)** as well as the present case, this Court agrees with the assertion of the learned counsel for the appellants.

as ***Prem Lata’s case (supra)*** and the appellant(s) are held entitled for similar amount of compensation as has been awarded to other similarly situated landowners, along with all statutory benefits and interest available under the amended provisions of Land Acquisition Act, 1894 as applicable to the present acquisition including the interest on solatium. However, the appellant(s)-landowner(s) shall not be entitled to interest for the period of delay of 3595 and 898 days, respectively in filing and refiling.

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

18.03.2026
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(HARKESH MANUJA)
JUDGE

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