

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

CM-163-CI-2024 in, and**RFA-63-2024 (O&M)****Date of Decision : 29.04.2026****Kamlesh and another**

. . . . Appellants

Vs.**State of Haryana and others**

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. R.S. Malik, Advocate, for the appellants.

Mr. Gaurav Garg, AAG, Haryana.

DEEPAK GUPTA, J.

This appeal under Section 54 of the Land Acquisition Act, 1894 arises out of the award dated 31.03.2012 passed by the learned Reference Court (Additional District Judge), Sonipat. The appeal is accompanied by an application **(CM-163-CI-2024)** under Section 5 of the Limitation Act seeking condonation of delay of 3469 days in filing the present appeal.

2. At the outset, this Court deems it appropriate to deal with the application seeking condonation of delay.

3. The appellants have explained that they are co-sharers and daughters of a co-owner whose land was subject matter of acquisition. Being married and residing away from the village, they were under a bona fide impression that the outcome of earlier appeals filed by other co-sharers would automatically enure to their benefit. It is only subsequently

that they realized the necessity of filing an independent appeal, resulting in the present delay.

4. It is not in dispute that the land of the appellants forms part of the same acquisition proceedings initiated vide notifications dated 17.11.2005 under Section 4, and 07.02.2006 under Section 6 of the Act for development of Sectors 65 to 68, Sonipat. The Land Acquisition Collector awarded compensation @ ₹12,50,000/- per acre, which was enhanced by the Reference Court to ₹32,00,000/- per acre.

5. Subsequently, similarly situated landowners approached this Court, and the matter ultimately culminated in a judgment dated 05.07.2019 in **RFA No.4101-2008 (HSIIDC v. Rajesh Kumar-II and others)**, whereby further enhancement was granted.

6. Learned State counsel has fairly conceded that the appellants' land is covered by the same acquisition and the same judgment.

7. The law relating to condonation of delay in land acquisition matters is well settled. In **Collector, Land Acquisition, Anantnag and another v. Mst. Katiji, (1987) 2 SCC 107**, the Hon'ble Supreme Court emphasized that a liberal and justice-oriented approach must be adopted, particularly where substantial justice is pitted against technical considerations. Similarly, in **Market Committee, Hodal v. Krishan Murari and others (1996) 1 SCC 311**, and **Dhiraj Singh (deceased) through LRs v. State of Haryana and others, (2014) 14 SCC 127**, even inordinate delays were condoned to maintain parity among landowners affected by the same acquisition.

8. Further, in **Huchanagouda v. Assistant Commissioner, LAO and another (2020) 19 SCC 234**, the Hon'ble Supreme Court balanced equities by condoning delay while denying interest for the delayed period. The constitutional dimension of just compensation under Article 300-A has also been highlighted in **Delhi Air Tech Services Pvt. Ltd. v. State of U.P and**

another. 2022 SCC OnLine SC 1408, and reaffirmed recently in *Suresh Kumar v. State of Haryana, (2025 INSC 550)*, holding that delay alone cannot defeat a legitimate claim for compensation, especially when it would lead to discriminatory treatment.

9. Applying the aforesaid principles, this Court is satisfied that the delay is neither intentional nor mala fide. Denial of condonation would result in unequal compensation to landowners whose lands were acquired under the same notification, which would be wholly unjust.

10. Accordingly, the delay of 3469 days in filing the appeal is condoned, subject to the condition that the appellants shall not be entitled to interest on the enhanced compensation for the said period.

Merits of the Appeal

11. Coming to the merits, it is an admitted position that the appellants' land is part of the same acquisition, and the same notifications and award apply. It is also not in dispute that the Reference Court decided the matter along with other connected cases; and similarly situated landowners have already been granted enhanced compensation by this Court in judgment dated 05.07.2019.

12. Once compensation for land acquired under the same notification has been enhanced by this Court and such judgment has attained finality, denial of the same benefit to the present appellants would be contrary to settled principles of parity and fairness.

13. The State has also fairly conceded that the case of the appellants is covered by the aforesaid judgment.

14. In view of the above discussion, the application for condonation of delay is allowed, subject to denial of interest for the delayed period of 3469 days.

15. The appeal is allowed. The appellants shall be entitled to enhanced compensation in terms of judgment dated 05.07.2019 passed in **RFA No.4101-2008 (HSIIDC v. Rajesh Kumar-II and others)**, along with all statutory benefits under the Land Acquisition Act, 1894, except interest for the delayed period.
16. Any pending application(s), if any, shall also stand disposed of.

(DEEPAK GUPTA)
JUDGE

29 .04.2026
Vivek

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>