

(2019) 11 P&H CK 0121

In the Punjab And Haryana At Chandigarh

Case No : Regular First Appeal No. 735 Of 2019 (O&M)

Angoori And Others

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision : 19-11-2019

Acts Referred:

Limitation Act, 1963 — Section 5
Land Acquisition Act, 1894 — Section 4

Citation : (2019) 11 P&H CK 0121

Hon'ble Judges : G.S. Sandhawalia, J

Bench : Single Bench

Advocate : S.P. Chahar, Vibha Tewari, Pritam Singh Saini

Judgement

1. The present application has been filed for impleading the legal representatives of the deceased Sheela-appellant No. 2, who had expired on 03.04.2005. The names of legal representatives have been mentioned in paragraph No. 2 of the application. It has also been mentioned that there is no other legal heir of the appellant except the applicants mentioned in paragraph No. 2. The application is supported by the affidavit of Jai Parkash son of deceased appellant.

2. In view of the averments made in the application, duly supported by affidavit, the same is allowed, subject to just exceptions. L.Rs. as mentioned in paragraph No. 2 of the application are permitted to pursue the present litigation only. It is made clear that the present order will not be liable to be taken into consideration in any other set of proceedings.

3. CM stands disposed of.

CM-1759-CI-2019

4. Application under Section 5 of the Limitation Act for condoning the delay of 3493 days in filing the present appeal against the Award dated 24.03.2009 passed by the Reference Court, Jhajjar has been filed.

5. In the application, it has been averred that the appeal was not filed by the brother/proforma respondents No. 6 to 9, whereas the appeals of other similarly situated co-owners had been allowed.

6. Accordingly, keeping in view the averments made in the application and the fact that market value has already fixed upto the Apex Court, the same is allowed. The interest of the State can be protected by denying the appellants the benefit of interest for 3493 days, in view of the law laid down by the Apex Court in 'Imrat Lal v. Land Acquisition Collector' (2014) 14 SCC 133 and in 'Dhiraj Singh (D) through LRs. v. Haryana State' 2015 (1) SCC (Civil) 236. The delay of 3493 days in filing the appeal is condoned, with the condition that the appellants shall not be entitled for interest on the enhanced compensation on the delay period.

7. CM stands disposed of.

Main appeal

8. The notification under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') had been issued on 24.01.2001, whereby the land falling in village Kassar, Tehsil Bahadurgarh, District Jhajjar was acquired for the purpose of development of Industrial Area, Bahadurgarh. The Reference Court vide Award dated 24.03.2009 had enhanced the compensation to Rs. 6,75,000/- per acre for Nehri/Chahi and Rs. 4 lakhs per acre for Gair Mumkin, Barani and Banjar Qadim from Rs. 2 lakhs per acre and Rs. 2.50 per acre, respectively awarded by the Land Acquisition Collector.

9. This Court in RFA No. 3787 of 2009 'Gaje Singh v. State of Haryana' decided on 06.11.2015, has further enhanced the compensation as under:-

"32. To sum, the landowners are held entitled to compensation as under:

(i) For the land acquired for development as Sectors 16, 18 and 18-A Rs. 18,30,000/- per acre upto the depth of two acres from main road Rs. 13,70,000/- per acre for rest of the land.

(ii) For the land acquired for development as Sector 17 Rs. 14,60,000/- per acre upto the depth of two acres from main road & Rs. 11,00,000/- per acre for rest of the land.

33. The appeals filed by the landowners are allowed in the manner indicated above, whereas the appeals filed by HSIIDC are dismissed."

10. It is pointed out that the appeals filed had been dismissed by the Apex Court.

11. Accordingly, the present appeal is also allowed in the abovesaid terms. However, it is made clear the appellants will not be entitled for the benefit of interest on the enhanced compensation for the delay period of 3493 days.