

(2018) 04 P&H CK 0105
In the Punjab And Haryana At Chandigarh
Case No : RFA No.998 of 2018 (O&M)

Puran Singh

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision : 05-04-2018

Acts Referred:

Limitation Act, 1963 — Section 5

Citation : (2018) 04 P&H CK 0105

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

Bench : Single Bench

Final Decision : Allowed

Judgement

G.S. Sandhawalia , J. (Oral)

CM-2613-CI-2018

Application is allowed, as prayed for.

CM stands disposed of.

CM-2614-CI-2018

Application under Section 5 of the Limitation Act for condonation of delay of 1242 days in filing the present appeal has been filed.

It has been averred that the appellant was serving with the Army and was posted at Kota, Rajasthan, due to which the delay has occurred.

Notice of the application.

Mr. Shivendra Swaroop, AAG, Haryana, accepts notice on behalf of the respondent-State. Copy has been supplied to him.

Accordingly, keeping in view the averments made in the application and in view of the fact that the interest of the State can be protected by denying

the appellant the benefit of interest for 1242 days in view of the law laid down by the Apex Court in 'Imrat Lal and others Vs. Land Acquisition

Collector and others' 2014 (14) SCC 133 and in 'Dhiraj Singh (D) through LRs. and others Vs. Haryana State and others' 2015 (1) SCC (Civil) 236,

the application is allowed.

The delay of 1242 days in filing the appeal is condoned, with the condition that the appellant shall not be entitled for interest on the enhanced compensation.

CM stands disposed of.

CM-2615-CI-2018 and RFA No.998 of 2018

It is the case of the appellants that the matter is covered and the compensation has been enhanced from Rs.60,00,000/- per acre as awarded by the

Land Acquisition Collector for village Nawada Fatehpur to `1,48,86,729/- per acre. It is a matter of record that in RFA No. 5316 of 2014,

'Pushpender Kumar and others vs. State of Haryana' decided on 27.05.2016, the amount had been further enhanced to `2,48,64,000/-per acre for

notification dated 11.02.2010. However, the same was modified in Civil Appeal Nos. 11913-11945 of 2017, 'State of Haryana and another vs.

Pushpendra Kumar and others' to the tune of 15% towards development costs. Thus, reducing a sum of `37,29,600/- the market value has, thus, been

assessed at `2,11,34,400/- per acre. The operative part of the reduction by the Apex Court reads thus:-

â??10. In our opinion, the deduction of 15% towards development would have been sufficient, which ought to have been made in the instant cases, in

the peculiar facts of the case, considering the potentiality of the area in question and the development which has taken place all around. This order not

to be treated as a precedent in any other case. Thus, we modify the determination made by the High Court to the above extent only. Let deduction be

made accordingly.

11. Coming to the question of severance charges, in case there is no land left out after the acquisition, obviously, severance charges would not be

granted. It is in the cases where only part of the land has been acquired and there is a severance of the adjacent/remaining area, only in those cases

compensation for severance is granted. It stands set aside in the cases where there is no severance.

12. The appeals of State are partly allowed and appeals of owners are dismissed. Pending application, if any, stands disposed of. Let the amount be paid within four months from today.â??

Accordingly, the appeal is allowed in the same terms and the land owners will be entitled for compensation of ` 2,11,34,400/- per acre alongwith other statutory benefits. It is, however, made clear that the appellant shall not be entitled for interest on the enhanced compensation for the delay period of 1242 days.