



RFA No.862 OF 2023 (O&M)

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

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**RFA No.862 of 2023 (O&M)
Date of Decision: 31.07.2025**

**ISHAWAR SINGH (DECEASED) THROUGH HIS LRS AND ANR.
.....Appellants**

**Vs
STATE OF HARYANA AND ANR.Respondents**

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ramesh Kumar Dhiman, Advocate
for the appellants.

Mr. Abhinash Jain, D.A.G., Haryana.

HARKESH MANUJA, J. (Oral)

CM No.2628-CI of 2023

This is an application for condoning the delay of 2984 days in filing the appeal.

Though notice of the application was accepted by learned State counsel on behalf of the respondents/State on 31.07.2023, however despite availing numerous opportunities during the last two years, no reply has been filed to the application.

As per the averments made in the application, due to the death of the Ishwar Singh and Nasib Kaur (appellants), the applicants-legal representatives could not file the appeal for enhancement of compensation. However, on coming to know about the enhancement by this Court, the applicants-appellants immediately contacted their counsel for filing the appeal. Nonetheless, the other similarly situated land owners pertaining to the same acquisition proceedings have already been held entitled for the enhanced amount of compensation pertaining to



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village Saketri, Tehsil and District Panchkula vide judgment dated 27.05.2020. Based thereupon, besides, applying the principle of parity, the land owner/applicants being similarly situated, is entitled for grant of similar amount of compensation, however, without any payment of interest for the period they failed to approach this Court after the decision in the Reference Court. In this regard reliance can be placed upon the decision 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*. In view of the discussion made hereinabove, the application is allowed and delay of 2984 days in filing the appeal is hereby condoned.

Main appeal

1. Learned counsel for the parties are ad *idem* that the matter in issue is squarely covered by the decision rendered by this Court *in RFA No.1817 of 2019 and other connected cases* titled as *"The Akash Cooperative Group Housing Society Ltd.-II Versus State of Haryana and others"* decided on 27.05.2020, wherein also the land situated in the same revenue estates i.e. Village Saketri, Tehsil and District Panchkula was acquired vide notifications dated 16.03.1999 and 15.03.2000, issued under Sections 4 and 6 of the Land Acquisition Act, 1894 respectively, and for the same purpose. Relevant extract from Para No.123 of the decision dated 25.05.2020 passed in RFA No.1817 of 2019 reads as under:-

(ii) *For the notification dated 16.03.1999, the market value is fixed @ Rs.494/- per sq.yard (Rs.23,96,960/- per acre) along with all statutory benefits. However, for the land of Bhainsa Tibba which falls on the other side of the railway line, towards Mani Majra and Village Kishangarh of Chandigarh, the market value is fixed @ Rs.26,77,875/- per acre (Rs.553/- per sq.yard) along with all statutory benefits by only allowing the appeals of the concerned set of*



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landowners. The appeals filed by the State are accordingly, partly allowed and those of the other landowners are dismissed.”

2. The aforementioned order dated 27.05.2020 was later modified by this Court vide its order dated 10.08.2020. The operative part of thereof is extracted hereunder:-

*“123(ii). For the notification dated 16.03.1999, the market value is fixed @ **Rs.498/- per sq. yard (Rs.24,10,324/- per acre)** along with all statutory benefits. However, for the land of Bhainsa Tibba which falls on the other side of the railway line, towards Manimajra and Village Kishangarh of Chanidgarh, the market value is fixed @ **Rs.26,99,558/- per acre (Rs.558/- per sq. yard)** along with all statutory benefits by only allowing the appeals of the concerned set of landowners. The appeals filed by the State are accordingly, partly allowed and those of the other landowners are dismissed.”*

3. Accordingly, the present appeal is disposed of in terms of the said decision and the appellants are held entitled for similar market value @ **Rs.24,10,320/- per acre (Rs.498/- per sq. yard)** along with all statutory benefits and interest available under the amended provisions of Land Acquisition Act, 1894. However, the appellants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e. 2984 days.

4. CM Nos.2873-CI and 2874-CI of 2024 along with other pending application(s), if any, are accordingly disposed of.

July 31, 2025

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**(HARKESH MANUJA)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No