



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM-835-CI-2025 in/and
RFA-364-2025 (O&M)

Rajesh Through his LRs

. . . . Appellant

Vs.

State of Haryana and others

. . . . Respondents

Reserved on: 11.03.2026

Pronounced on: 13.03.2026

Pronounced Fully/Operative Part: Fully

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Arun Kumar Singal, 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 Reference Court of Learned Additional District Judge Sonipat, relating to acquired land situated in village Asawarpur, District Sonipat. The appeal is also accompanied by application bearing **CM-835-CI-2025** under Section 5 of the Limitation Act, 1983 seeking condonation of delay of 3952 days in filing the appeal.

2. As the paper-book would reveal that land situated in various villages including Asawarpur was notified for acquisition under Section 4 of the Land Acquisition Act on 17.11.2005, followed by another notification dated 07.02.2006 under Section 6 of the Act for public purpose, namely for the development and utilization of land as commercial, institutional and residential area for Sectors 65, 66, 67 and 68 Sonipat. The Land Acquisition Collector awarded ₹12,50,000/- per acre for all kinds of land as compensation for the land along with other benefits.

3. The acquired land included the land of the appellant and his brother – respondent N: 4, situated in village Asawarpur. Various landowners, including the appellant, preferred references under Section 18 of the Act. The Reference Court decided all those references in a bunch led by LAC No.398 of 2011 titled '*Mauji Ram v. State of Haryana*', vide his award dated 31.03.2012 and assessed the market value of the acquired land at ₹32,00,000/- per acre along with all other statutory benefits.

4. Not satisfied with the aforesaid award, the appellant is in the present appeal accompanied by application to condone the delay.

5. In the application of condonation of delay, it is submitted that after the award dated 31.03.2012 of the Reference Court, the appellant along with his brother Sandeep (respondent No. 4) had filed a writ petition bearing *CWP-19472-2015* titled '*Sandeep v. State of Haryana*', challenging the acquisition proceedings by the respondents. Though the writ petition was initially allowed by the High Court on 30.10.2017 (*Annexure A-3*), but in SLP preferred by the acquiring authorities, the matter was remitted back to this Court on 01.03.2024 (*Annexure A-4*). Ultimately, this High Court on 26.07.2024 dismissed the *CWP-19472-2015* vide *Annexure A-5*. It is submitted further that later on, appellant-Rajesh expired. He was looking after the litigation. His legal heirs were not aware of the litigation. Going through the various papers, it was revealed to them that their writ petition had been dismissed. They also came to know that their father and uncle had not challenged the award of the Reference Court. It is only thereafter that they engaged the counsel and filed the present appeal, which has resulted in the delay of 3952 days in filing the appeal.

6. The appellant further submits that appeals arising out of the same acquisition were decided by this Court on 03.11.2015. Subsequent proceedings before the Hon'ble Supreme Court, including SLPs, review applications, and remand, culminated in a common judgment dated 05.07.2019 passed by a Coordinate Bench in ***RFA No.4101-2008 titled HSIIDC v. Rajesh Kumar and others***, whereby compensation was enhanced. It is

submitted that the present appellant stands on identical footing and that parity demands extension of the same benefit.

7. Learned State counsel, while opposing condonation of delay, has fairly conceded that the land of the appellant forms part of the same acquisition and is governed by the judgment dated 05.07.2019.

8. Heard. It is noticed that the applicant alongwith various other landowners had sought references under Section 18 of the Land Acquisition Act, 1894, which were decided by the Reference Court on 31.03.2012. Other landowners preferred appeals before this Court seeking further enhancement, which were disposed of by a Coordinate Bench on 03.11.2015.

9. Aggrieved by the judgment dated 03.11.2015, the other landowners, approached the Hon'ble Supreme Court by way of SLP (Civil) Nos.5535-5609 of 2016. Vide order dated 28.03.2016, the Hon'ble Supreme Court noticed certain discrepancies in the judgment of this Court and granted liberty to the landowners to approach this Court by filing review applications. Pursuant thereto, the other landowners filed RA-RF-480-CI-2016, which was decided on 21.11.2016 along with review petitions of other similarly situated landowners.

10. The landowners again approached the Hon'ble Supreme Court, which repatriated the matters to this Court for fresh consideration. Thereafter, a Coordinate Bench of this Court considered a bunch of appeals led by ***RFA No.4101-2008 titled HSIDC v. Rajesh Kumar-II and others***, and disposed of the same by a common judgment dated 05.07.2019.

11. Learned State counsel, fairly concedes that the applicants' case is squarely covered by the said judgment.

12. This Court has considered the submissions and examined the record.

13. At the outset, it is not disputed that the land of the applicants forms part of the same acquisition, governed by the same notifications issued under Sections 4 and 6 of the Act, the same award of the Land

Acquisition Collector, and the same reference proceedings. It is also fairly conceded that similarly situated landowners have already been granted enhanced compensation pursuant to judgments which have attained finality.

14. The principles governing condonation of delay in land acquisition matters are now well settled. In ***Collector, Land Acquisition, Anantnag and another v. Mst. Katiji and others, (1987) 2 SCC 107***, the Hon'ble Supreme Court laid down that a liberal and justice-oriented approach must be adopted in considering applications for condonation of delay, particularly in matters involving compulsory acquisition of land. The Court emphasised that technical considerations should not defeat substantial justice and that a landowner does not ordinarily stand to benefit by approaching the Court belatedly.

15. In ***Market Committee, Hodal v. Krishan Murari and others, (1996) 1 SCC 311, and Dhiraj Singh (dead) through LRs and others v. State of Haryana and others, (2014) 14 SCC 127***, the Hon'ble Supreme Court condoned delays extending over several years to ensure parity amongst landowners whose lands were acquired under the same notification. In ***Huchanagouda(s) v. Assistant Commissioner and Land Acquisition Officer, (2020) 19 SCC 234***, while condoning long delay, the Court balanced equities by denying interest for the delayed period.

16. The constitutional dimension of the right to just compensation under Article 300-A has been underscored in ***M/s Delhi Air Tech Services Pvt. Ltd. and another v. State of U.P. and another, 2022 SCC OnLine SC 1408***, read with ***Coffee Board, Karnataka, Bangalore v. Commissioner of Commercial Tax, Karnataka and others (1988) 3 SCC 263***, holding that deprivation of property must be accompanied by fairness and adequate compensation. The most recent reiteration of these principles is found in ***Suresh Kumar v. State of Haryana and others (2025 INSC 550)***, where it was held that delay alone cannot be a ground to deny compensation that is otherwise lawfully payable, particularly when denial would lead to discriminatory treatment among similarly situated landowners.

17. Applying the aforesaid settled principles, this Court is of the considered view that the delay of 3952 days in filing the review petition is neither deliberate nor lacking in bona fides. Non-condonation of delay would result in an anomalous situation, where landowners from the same acquisition would receive disparate compensation for identical lands, offending the principles of equality and parity which lie at the heart of land acquisition jurisprudence. The equities can be appropriately balanced by denying interest for the delayed period, a course repeatedly approved by the Hon'ble Supreme Court and accepted by the applicants.

18. Accordingly, the delay of 3952 days in filing the review application is condoned, subject to the condition that the applicants shall not be entitled to interest on the enhanced compensation for the said period.

19. Turning to the merits of the appeal, it is undisputed that the appellant's land is governed by the same acquisition proceedings and adjudications culminating in the judgments in ***RFA No.4101-2008 titled HSIDC v. Rajesh Kumar-II and others decided on 05.07.2019***. The State has fairly conceded the said factual position. Once this Court, in ***RFA No.4101-2008 titled HSIDC v. Rajesh Kumar-II and others decided on 05.07.2019*** has enhanced compensation for lands forming part of the same acquisition, denial of the same benefit to the present appellant would be wholly unjustified.

20. In view of the above discussion, the appeal deserves to be allowed. The appellant shall be entitled to enhanced compensation in terms of the judgment dated 05.07.2019 in ***RFA No.4101-2008 titled HSIDC v. Rajesh Kumar-II and others***, along with all statutory benefits admissible under the Land Acquisition Act, 1894, except interest for the delayed period of 3952 days.

21. Consequently, the appeal is allowed. The applicant-appellant shall be entitled to enhanced compensation in terms of the judgment dated 05.07.2019 in RFA No.4101-2008 along with all other statutory benefits

admissible under the Land Acquisition Act, 1894, except interest for the delayed period of 3952 days.

22. CM-835-CI-2025 under Section 5 of the Limitation Act as well as RFA-364-2025 stand allowed in the above terms. Pending application(s), if any, also stand disposed of.

Any pending application(s), if any, also stands disposed of.

(DEEPAK GUPTA)
JUDGE

13.03.2026

Vivek

Whether Speaking/reasoned

Yes

Whether reportable

No

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