

## IN THE SUPREME COURT OF INDIA

## CIVIL APPELLATE JURISDICITON

CIVIL APPEAL NO(s).6295 OF 2013  
(Arising out of SLP(C) No.29254 of 2010)

ASHOK KUMAR

Appellant(s)

VERSUS

STATE OF HARYANA &amp; ORS

Respondent(s)

## O R D E R

Leave granted.

A large extent of land situate in Village Patti Musalmanan, Tehsil & District Sonapat, Haryana, the State acquired for the benefit of Haryana Urban Development Authority who proposed to use the same for carrying out Sector XII of a residential lay-out in Sonapat.

The Collector, Land Acquisition, made an award by which compensation payable to the land owners was determined at the rate of Rs.2 lakhs per acre uniformly for the entire extent of land, acquired by the Government. Dissatisfied with the amount of compensation so awarded a large number of land owners sought references to the civil court for determining the true market value of the land acquired from them. The Reference Court by a common order passed by it directed enhancement of the amount of compensation payable to the land owners to Rs.6 lakhs per acre for land situate on the left side of the road passing through the land in question and Rs.7,26,000/- for the land situate on the right side of the road. Dissatisfied with the enhancement granted by the Reference Court the land owners appealed to the High Court for further enhancement. The High Court reappraised the material produced by the land owners and directed enhancement of compensation to Rs.135 per square yard for the land situate to the left side of the road and Rs.160 per square yard for the land situate to the right side of the road. This amount was made payable with proportionate statutory benefits.

In a batch of appeals filed before this Court by Udho Dass and others, the compensation awarded to the land owners was further enhanced on a uniform basis to Rs.225 per square yard for the entire extent of land acquired from the appellants in that batch of cases with proportionate statutory benefits to the land owners.

The present appellant appears to be one of land owners whose land was acquired for the very same purpose and by the very same notification. In the appeal filed by the present appellant, the High Court had while granting enhancement to Rs.135 per square yard for the land situate on the left side and Rs.160 per square yard for the land situate on the right side of the road, relied upon its earlier order in RFA No.1718 of 2001 and connected matters. The decision in that RFA was the subject matter of the appeal before this Court in the case of Udho Dass and others in which the compensation awarded to the owner was enhanced to Rs.225 per square yard as seen above. Although the appeal filed by the appellant was disposed of by the High Court on 24th September, 2007 instead of filing an appeal before this Court within the period of limitation prescribed for the purpose, the appellant remained sitting on the fence till much after the disposal of the appeal in the case of Udho Dass and others. The special leave petition out of which this appeal arises was filed only on 6th September, 2010 i.e. nearly five months after the appeal in Udho Dass and Others was disposed of. There was in the process a delay of nearly three years in the filing of the appeal before this Court against the judgment passed by the High Court. It was in the above backdrop that learned counsel for the respondent-State argued that while the purpose of acquisition and the notification under which the same was acquired is common to the two sets of cases the fact remains that the appellant in the present case had deliberately avoided to challenge the order

passed by the High Court and remained waiting till the appeal in the case of Udho Dass and Others was decided. It was therefore contended and in our opinion rightly so that the appellant who did not purposely file an appeal against the judgment passed by the High Court should be held disentitled to claim payment of interest under the provisions of Section 28 of the Land Acquisition Act, 1894. Counsel for the appellant did not seriously oppose that proposition ostensibly because the delay in the filing of the appeal can not in the ordinary course be allowed to benefit an appellant who remains indolent or negligent in challenging the order passed by the High Court.

In the result, we allow this appeal with the direction that while the compensation payable to the appellant for the land acquired from him shall stand enhanced to Rs.225 per square yard with proportionate statutory benefits like solatium and additional compensation, the appellant shall not be entitled to claim interest for the period between 24th September, 2007 to 6th September 2010. No costs.

.....J.  
(T.S. THAKUR)

.....J.  
(VIKRAMAJIT SEN)

NEW DELHI

DATED 6th August, 2013.

ITEM NO.8

COURT NO.7

SECTION IVB

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).29254/2010

(From the judgement and order dated 24/09/2007 in RFA No.1932/2001 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

ASHOK KUMAR

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS

Respondent(s)

(With appln(s) for c/delay in filing SLP and office report)

Date: 06/08/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s) Mr. Rajat Sharma,Adv.

Dr. (Mrs.) Vipin Gupta,Adv.

Mr. Subhasish Dhowmick,Adv.

For Respondent(s) Mr. Manjit Singh,AAG

Mr. Tarjit Singh,Adv.

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order:

"In the result, we allow this appeal with the direction that while

the compensation payable to the appellant for the land acquired from him shall stand enhanced to Rs.225 per square yard with proportionate statutory benefits like solatium and additional compensation, the appellant shall not be entitled to claim interest for the period between 24th September, 2007 to 6th September 2010. No costs."

|(Mahabir Singh)  
| Court Master

| (Veena Khera)  
| Court Master

(Signed order is placed on the file)