

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

RFA No. 1776 of 2001 (O&M)

Date of decision : 31.5.2012

Ashok Kumar

... Appellant

VS

Punjab State and others

.... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Ashok Aggarwal, Advocate General, Punjab with
Mr. Alok Jain, Additional Advocate General, Punjab.

Mr. R. S. Manhas, Advocate, for the landowners.

Rajesh Bindal J.

This order shall dispose of the following appeals and cross-objections:-

RFA Nos. 1776, 1786, 1792, 1802 of 2001;

RFA Nos. 1195 to 1197 of 2004;

RFA Nos. 5449 to 5451, 5567, 5568 of 2008;

RFA Nos. 2139 to 2144, 2146 to 2148, 2150 to 2177, 2179,
2180, 2182 to 2190, 2721 to 2735, 2798, 4035 to 4069 of
2009,

RFA Nos. 1610 to 1620 of 2012 and

Cross-objection Nos. 28/CI, 29/CI, 31/CI to 33/CI, 34/CI of
2012.

as common questions of law and facts are involved therein.

The State of Punjab has filed appeals seeking reduction of compensation awarded to the landowners for the acquired land whereas by filing cross-objections and the appeals, the landowners are seeking enhancement thereof.

Brief facts of the case are that land situated in the revenue estates of villages Darkua Bangla Khas, Godhwan, Katal, Gulial, Dalial, Patralwan, Thara Upperala, Salwal, Ladhwal, Phangota Khas, Phangota and Chibber was sought to be acquired by the State of Punjab for use as Reservoir of Ranjit Sagar Dam Project, vide notification issued under Section 4 of the Land Acquisition Act, 1894 (for short "the Act"), on 7.8.1995. The Land Acquisition Collector (for short "the Collector") determined the market value of the different quality of land pertaining to different villages at different rates. The learned court below also determined the market value of the acquired land of different villages at different rates. Now both the parties are in appeal/ cross-objections before this court.

Learned counsel for the landowners submitted that in a bunch of appeals, which were decided by this Court vide order dated 27.9.2011 in RFA No. 1006 of 2010 titled as Punjab State and others Vs. Usha Rani pertaining to acquisition of land vide same notification and for the same purpose, this Court upheld the award of the learned court below assessing compensation of the acquired land @ ₹ 1,600/- per marla, which was further followed in RFA No. 2736 of 2006 Punjab State and others vs Diwan Chand and others decided on 23.12.2011.

Learned counsel for the State did not dispute the aforesaid factual position.

For the detailed reasons recorded in Usha Rani's case (supra), the bunch of appeals are disposed of in the same terms.

As far as cross-objections are concerned, the same are accompanied by application seeking condonation of delay in filing thereof. The learned counsel for the applicant-respondent submitted that delay in filing the cross-objection before this Court be condoned. The contention is that delay should not come in the way for granting substantial justice and the technicality should give way to justice. The Court should be liberal in condoning the delay.

Heard learned counsel for the parties and perused the record.

In Mahadev Govind Gharge and others vs Special Land Acquisition Officer, Upper Krishna Project, Jamkhandi, Karnataka 2011

(6) SCC 321, Hon'ble the Supreme Court examined the provisions of Order 41, Rule 22 CPC and held that for filing cross-objections, period of limitation is one month and the said period would commence from the date of service of notice on the respondent in that appeal.

Hon'ble the Supreme Court in Mewa Ram (Deceased) by his LRs and others vs State of Haryana, (1986) 4 SCC 151 did not accept the prayer for condonation of delay in filing the cross-objections because in another case enhancement of compensation for the adjacent land had been made.

In State of Nagaland vs Lipokao and others, (2005) 3 SCC 752, Hon'ble the Supreme Court opined that proof of sufficient cause is a condition precedent for exercise of discretion by the Court in condoning the delay.

In D. Gopinathan Pillai vs State of Kerala and another, (2007) 2 SCC 322, Hon'ble the Supreme Court opined that when mandatory provision is not complied and the delay is not properly, satisfactorily and convincingly explained, the Court cannot condone the delay on sympathetic ground only.

The objections were filed by the respondents before this Court in May, 2012. It is not disputed that the landowners were not in the knowledge of the decision of the reference by the learned court below. They had put in appearance in the present appeal before this court in 2009. Despite knowledge, they did not file cross-objections in time. No reason has been given for not filing the cross-objections in time. In fact, non-filing of appeal initially shows that the landowners were satisfied with the award of the Reference Court.

Keeping in view the aforesaid facts, I do not find that any ground to entertain the objections filed about 12 years after the decision of reference by the learned court below.

Accordingly, the cross-objections and other accompanying applications are dismissed.

31.5.2012
vs.

(Rajesh Bindal)
Judge