

2. These appeals arise out of final judgment and order dated 30th October, 2019 passed in RFA No.1013/2019 and RFA -1617-2019 (O&M) by the High Court of Punjab and Haryana at Chandigarh, whereby the delay in preferring the appeals before the High Court from the order dated 31st January 2005¹, passed by the Additional District Judge, Jhajjar, in LAC Case No.57 of 2000 and LAC No.60/2000/2004, was refused to be condoned.

3. Several parcels of land were acquired by the State for public purposes, namely, for the development and utilization of land as residential and commercial area in Sector-2, Bahadurgarh.

4. The land of the instant petitioners was acquired with the issuance of Notification No. LAC (H) No.96/2141 dated 24th May, 1996, under Section 6 of the Land Acquisition Act, 1894. The proceedings culminated into the issuance of an Award, being Award No.3 dated 24th May 1998, by the Land Acquisition Collector, Urban Estate Department, Haryana, Hisar, whereby it was declared that the said land was required for public purposes. The Land Acquisition Collector, Urban Estate Department, Haryana, Hisar, determined the compensation depending upon different categories of land ranging from Rs.2 lakh per acre to Rs.4.75 lakh per acre. The landowners, including the present

¹ Hereinafter referred to as "Reference Court"

appellant, preferred a petition claiming higher compensation and such claim was decided *vide* Award dated 31st January 2005, by the Reference Court in the following terms :

“As a sequel to the aforesaid findings of this court returned on the issues under adjudication, this court hereby determines market value of the acquired pieces of land at the rate of Rs.5,25,000/- per acre on Bahadurgarh-Jhajjar road up to the depth of three acre; at the rate of Rs.3,00,000/- per acre regarding Nehri and Chahi land and at the rate of Rs. 2,50,000/- per acre regarding Barani and other land. The petitioners/land owners would also be entitled to solatium at the rate of 30 per cent of the compensation amount under Section 23 (2) of the Act.

They shall be entitled to additional amount from the date of publication of notification under section 45 of the Act till the date of the award of taking over the possession of the land, which ever is earlier. They shall also be entitled to the interest at the rate of 9 per cent per annum for the period of one year from the date of taking over possession and at the rate of 15 per cent per annum for subsequent period till the payment of aforesaid amount less the amount already paid. The present references are accordingly allowed with costs. Memo of costs be prepared accordingly. File be consigned to record room after due compliance.”

5. Undisputedly, in the cases concerning acquisitions in the same area, the compensation stands further enhanced in several petitions in terms of different judgments rendered both by the High Court of Punjab and Haryana, Chandigarh, as also this

Court. In fact, this Court enhanced the compensation² up to the sum of Rs.15,00,000/-.

6. It is a matter of record that the ground taken by the appellant, Suresh Kumar, is that the documents had been given to the concerned person to file an appeal against the order of the Reference Court, but the same was not filed. A perusal of the impugned judgment, however, does not reveal any consideration by the High Court of such ground. In fact, the High Court relied on its earlier order dated 3rd May, 2019, which also is the subject matter of appeal. In Civil Appeal @ SLP(C)No.2832 of 2020 titled *Laxmi Narayan & Anr. v. State of Haryana & Ors.*, which also arises from the same acquisition proceedings, the application before the High Court was for a condonation of delay of 4908 days in filing the appeal against an order of the Reference Court. The impugned judgment rejects such an application recording the absence of a sufficient cause.

7. The only question to be decided then is, whether the High Court is justified in refusing to condone the delay in the present *lis* which concerns compensation for land acquired by the State for public purposes.

8. The approach to be adopted in considering whether or not to condone the delay in filing an appeal has been discussed by

² C.A. No.19354/2017

this Court in *Collector, Land Acquisition, Anand Nag & Anr. v. Mst. Katiji & Ors.*³, wherein it has been observed that :_

“It is common knowledge that this Court has been making a justifiably liberal approach in matters instituted in this Court. But the message does not appear to have percolated down to all the other courts in the hierarchy. And such a liberal approach is adopted on principle as it is realized that:

“1. Ordinarily a litigant does not stand to benefit by lodging an appeal late.

2. Refusing to condone delay can result in a meritorious matter being thrown out at the very threshold and cause of justice being defeated. As against this when delay is condoned the highest that can happen is that a cause would be decided on merits after hearing the parties.

3. “Every day's delay must be explained” does not mean that a pedantic approach should be made. Why not every hour's delay, every second's delay? The doctrine must be applied in a rational common sense pragmatic manner.

4. When substantial justice and technical considerations are pitted against each other, cause of substantial justice deserves to be preferred for the other side cannot claim to have vested right in injustice being done because of a non-deliberate delay.

5. There is no presumption that delay is occasioned deliberately, or on account of culpable negligence, or on account of mala fides. A litigant does not stand to benefit by resorting to delay. In fact he runs a serious risk.

6. It must be grasped that judiciary is respected not on account of its power to legalize injustice on technical

³(1987) 2 SCC 107

grounds but because it is capable of removing injustice and is expected to do so.

Making a justice-oriented approach from this perspective, there was sufficient cause for condoning the delay in the institution of the appeal.”

[See also: *Pathapati Subba Reddy v. LAO*⁴]

9. Implementing in letter and spirit, the observations made as above, i.e., a liberal approach in condonation of delay, we notice that this Court in quite a few judgments has condoned substantial delay. We may refer to some of them. In *Dhiraj Singh v. State of Haryana & Ors.*⁵ The Court observed that even though there was long delay in filing the appeals, it was a case of compulsory acquisition and there had been a difference in the amount of compensation granted to some land losers *vis-a-vis* others. References were also made to *Market Committee Hodal v. Krishan Murari*⁶ wherein delay of 3240 days arising from the same acquisition has been condoned. In *Huchanagouda v. Assistant Commissioner and Land Acquisition Officer & Anr.*⁷, this Court, taking into account the poverty and illiteracy of the land loser, condoned the delay of more than 2000 days. It was observed that equities had to be balanced by ensuring that the determination of market value relates back to the preliminary

⁴ 2024 SCC OnLine SC 513

⁵ (2014) 14 SCC 127

⁶ (1996) 1 SCC 311

⁷ (2020) 19 SCC 234

notification - making sure that there is no prejudice to the acquiring authorities, as also no undue advantage to the land loser. In other words, the appellants who approached the Court with delay, would not be granted interest for such period.

10. In *Executive Engineer, Nimna Dudhna Project Selu, District Parbhani, Maharashtra v. State of Maharashtra & Ors.*⁸, this Court held that the Body acquiring land cannot be saddled with the liability of paying interest for the period of delay in preferring the appeals. The order of the High Court, which granted interest also for five and half years' delay, was modified to such an extent that interest shall not be payable for delay.

[See also *Ningappa Thotappa Angadi v. Special Land Acquisition Officer & Anr.*⁹.]

11. In all judgments referred *supra*, the common thread that can be observed is that delay is not a reason to deny the land losers their compensation, which is just, fair and reasonable for the land they have lost.

12. This Court has noticed that in *Delhi Air Tech Services Pvt. Ltd. v. State of U.P. & Anr.*¹⁰, with reference to *Coffee Board, Karnataka, Bangalore v. Commission of Commercial Tax,*

⁸ (2020) 3 SCC 255

⁹ (2020) 19 SCC 599

¹⁰ 2022 SCC Online SC1408

*Karnataka*¹¹ that while the State has the power of *eminent domain*, the owner of a land can only be divested thereof in accordance with the procedure established by law after appropriately compensating them. This is in view of Article 300 A and 31A of the Constitution of India.

13. In view of the above discussion, we are of the considered view that the delay ought to have been condoned, since the position that the land loser had, in fact, asked for the appeal to be filed but it was not, for no fault of his, is an uncontroverted position of fact. Consequently, the appeals are allowed. The impugned judgment and orders are set aside and the matters are remanded to the High Court for consideration afresh, on all aspects, save and except delay. Such consideration is to be made, uninfluenced by the observations made hereinabove. However, for the delayed period that is being condoned, the appellant shall not be entitled to any interest. The Registry is requested to transmit a copy of this order to the learned Registrar General, High Court of Punjab and Haryana, for necessary follow up action. Because the Award from which the appeals arise is of the year 2005, the High Court is requested make an endeavour to decide the matters expeditiously.

¹¹ (1988) 3 SCC 263

14. Pending application(s), if any, shall stand disposed of.

.....**J.**
(SANJAY KAROL)

.....**J.**
(MANMOHAN)

New Delhi;
23rd April, 2025.