

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

**CR No. 6004 of 2013(O&M)
Date of decision: 05.11.2015**

Central Govt. of India

... Petitioner

versus

Prem Kumar and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr.Ram Chander, Advocate for the petitioners.

Mr. Rajesh Kumar, Advocate for the respondents.

K.Kannan, J.

The grievance of the Union is that through the impugned order the Additional District Judge has directed the Union to pay compensation for 2 kanals 1 marla of land which was alleged to have been left out of reckoning for compensation. The counsel points out that the issue for consideration was the manner of assessment of the location of the property which was acquired, namely, to examine the application of belting method for determination of the rate of compensation. The point that remained for consideration was whether the property acquired fell within the 200 ft. from the national highway which had qualified for highest compensation @ Rs. 5,41, 760/- per acre or it fell beyond the said extent of 200 ft. The matter was remitted for such consideration by the DRO but the land owners were attempting to make a new case of determination of case for 2 kanals. The DRO had correctly rejected the request stating that it was beyond its jurisdiction to determine compensation for any property alleged to have been not provided with compensation and when the matter went back to the Additional District Judge, he has provided for compensation for 2 kanals.

I find the direction contained in the impugned order is erroneous, for, there was no issue for consideration before the District Judge other than the consideration of whether the property acquired fell within the 200 ft. or not. The impugned order passed is set aside and the matter remitted to the District Judge, Sirsa for limiting the enquiry to a consideration of the location of the property for application of the belting method as already assessed by the order of this Court in RFA No. 733 of 2000. The District Judge shall refer to the said order and limit his enquiry and finding to the directions contained in the said judgment.

The civil revision petition is allowed and disposed of with the above observations.

(K.KANNAN)
JUDGE

05.11.2015

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