

In the High Court of Punjab and Haryana at Chandigarh

**1. Regular First Appeal No. 3483 of 1992 (O&M)
Date of Decision: 27.5.2015.**

Union of India and othersAppellants

Versus

Raghbir Singh and othersRespondents

2. Regular First Appeal No. 1622 of 1992 (O&M)

Union of India and anotherAppellants

Versus

Kanshi and othersRespondents

3. Regular First Appeal No. 2342 of 1992 (O&M)

Union of India and anotherAppellants

Versus

Mehar Singh (deceased) through LRs and othersRespondents

4. Regular First Appeal No. 2944 of 1992 (O&M)

Union of India and anotherAppellants

Versus

Buta Singh and anotherRespondents

5. Regular First Appeal No. 2945 of 1992 (O&M)

Union of India and anotherAppellants

Versus

Sukhdev and othersRespondents

6. Regular First Appeal No. 2946 of 1992 (O&M)

Union of India and othersAppellants

Versus

Dalbir Singh (deceased) through LRs and othersRespondents

7. Regular First Appeal No. 2947 of 1992 (O&M)

Union of India and anotherAppellants

Versus

Lajwant and othersRespondents

8. Regular First Appeal No. 2948 of 1992 (O&M)

Union of India and anotherAppellants

Versus

Girdhari Lal and othersRespondents

9.

Regular First Appeal No. 3484 of 1992 (O&M)

Union of India and others

.....Appellants

Versus

Harbans Singh and others

.....Respondents

10.

Regular First Appeal No. 357 of 1993 (O&M)

Union of India and others

.....Appellants

Versus

Girdhari Lal (deceased) through LRs

.....Respondents

11.

Regular First Appeal No. 3929 of 1992 (O&M)

Buta Singh

.....Appellant

Versus

Land Acquisition Collector and others

.....Respondents

12.

Regular First Appeal No. 3930 of 1992 (O&M)

Buta Singh

.....Appellant

Versus

Land Acquisition Collector and others

.....Respondents

13. Regular First Appeal No. 3935 of 1992 (O&M)

Darshan Singh and others

.....Appellant

Versus

Land Acquisition Collector and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Ms. Ranjana Shahi, Advocate
for Union of India.

Mr. Ravi Kamal Gupta, Advocate and
Mr. R.S.Manhas, Advocate
for the land owners.

Mr. P.S.Mattewal, Addl. A.G., Punjab.

SABINA, J.

Vide this judgment, above mentioned appeals would be disposed of as the controversy involved in all the cases is the same.

Land situated in villages Tharial and Sandhori was sought to be acquired for the purposes of construction of accommodation of Unit Personnel Border Security Force etc. Notification under Section 4 of the Land Acquisition Act, 1894 ('Act' for short), was issued on 8.4.1988. The Land Acquisition Collector vide its award dated 20.2.1990 assessed the market value of the land qua *Barani-II* land situated in village Sandhori at the rate of ₹ 24,000/- per acre and for *nehri* land at the rate of ₹ 40,000/- per acre and qua *gair mumkin land* at the rate of ₹ 6,000/- per acre. So far as village Tharial is concerned, the Land Acquisition Collector assessed the market value at the rate of ₹ 24,000/- per acre qua *Barani-II* land and ₹ 6,000/- per acre qua *gair mumkin* land.

Aggrieved against the said award, the land owners sought references under Section 18 of the Act for enhancement of compensation. The Reference Court assessed the market value of the acquired land at the rate of ₹ 500/- per marla qua all kinds of land. Hence, the present appeals/cross-objections by the land owners as well as Union of India.

Learned counsel for the land owners have submitted that the present appeals are covered by the decision given by this Court in 'Thuru Ram versus State of Punjab and others' RFA No. 4525 of 2001 decided on 16.3.2009. The market value of the land was liable to be assessed at the rate of ₹ 1,000/- per marla keeping in view the decision given by this Court in Thru Ram's case (supra).

Learned counsel for Union of India, on the other hand, has submitted that the market value of the land assessed by the Land Acquisition Collector was liable to be upheld. So far as Thuru Ram's case (supra) is concerned, the purpose of acquisition of the land in the said case was different.

This Court in Thuru Ram's case (supra) has held as under:-

“Keeping in view the fact that the matter has been remanded by this Court, the claimants are in the second round of litigation and the acquisition is of land of the years 1990 and 1993, I deem it appropriate to award 12% increase per year on the value arrived at for the acquisition of the year 1990 @ Rs.1290/- per marla. In this manner, the appellants whose land was acquired vide notification issued on 1.2.1993, should get additional

sum of Rs.464/- per marla which comes to Rs.1754/- per marla.

In view of the above discussion, the present appeals are allowed and the impugned order of the Reference Court is set aside. The claimants whose land was acquired in the year 1990, shall get @ Rs.1290/- per marla and the claimants whose land was acquired in the year 1993, shall get Rs.1754/- per marla with all statutory benefits in terms of the provisions of the Amended Act with costs of the appeals.”

In the present case, the land situated in villages Tharial and Sandhori was acquired for construction of accommodation of Unit Personnel Border Security Force etc. Notification under Section 4 of the Act was issued on 8.4.1988. In Thuru Ram's case (supra), the land was sought to be acquired for construction of Shahpur Kandi Hydel Channel. Admittedly, in the said hydel project, the land situated in villages Jugial, Rajpura, Haroor, Barkula and Sandhori was acquired. This Court has assessed the market value of the land at the rate of ₹ 1290/- per marla with regard to notification issued under Section 4 of the Act on 12.1.1990.

Since in the present case, the land situated in village Sandhori was also acquired, there is force in the argument raised by learned counsel for the land owners that the market value of the acquired land was liable to be assessed at the rate of ₹ 1,000/- per marla keeping in view the decision given by this Court in Thuru Ram's case (supra).

Accordingly, the market value of the acquired land is

assessed at ₹ 1,000/- per *marla*. It is clarified that the statutory benefits allowed by the Reference Court shall remain in tact. Consequently, the appeals filed by the land owners, are allowed and the appeals filed by Union of India, are dismissed.

**(SABINA)
JUDGE**

May 27, 2015
Gurpreet