

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

RFA No. 3523 of 1992 (O&M)

Date of decision : 12.8.2015

State of Haryana

.. Appellant

versus

Sham Lal and others

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Abhinash Jain, Assistant Advocate General, Haryana.

Mr. Sushil K. Sharma, Advocate for

Mr. M. L. Sharma, Advocate, for the landowners.

Rajesh Bindal, J.

This order will dispose of two appeals bearing RFA Nos. 3523 and 3774 of 1992, as the same are cross appeals against the common award.

By filing appeal, the landowners are seeking enhancement of compensation for the acquired land and the acquired trees/ structure, etc., whereas by filing the appeal, the State is seeking reduction of compensation awarded to the landowners for the acquired land.

Briefly the facts are that vide notification dated 15.1.1985 issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the State of Haryana sought to acquire land along with trees/ structure etc. existing thereon situated within the revenue estate of village Bana Madanpur, Hadbast No. 231, Tehsil Kalka, District Ambala (now District Panchkula), for locating reserve battalion of ITBP. The Land Acquisition Collector (for short, 'the Collector'), assessed the market value of the acquired land as well as for trees and structures, etc. Dissatisfied with the award of the Collector, the landowners filed objections. On reference under Section 18 of the Act, the learned court below vide award dated 31.8.1992 determined the market value of the acquired land @ ₹ 1,50,000/- per acre and rejected the claim with regard to trees/ structure, etc. It is this award which has been impugned in the present appeals by both the parties.

As regards the award of the learned court below assessing market value of the acquired land is concerned, learned counsel for the parties could not dispute the fact that the same is in conformity with the judgment of this Court in LPA No. 830 of 1994 Union of India vs O. P. Makhija, etc. decided on 20.7.2005.

As far as the claim of the landowners regarding trees is concerned, they have produced in evidence PW3 Dayal Singh, Deputy Ranger of Forest, to prove the value of the trees. However, he conceded that he had not prepared any report about the eucalyptus trees. No other evidence was led in support of their claim regarding trees. As regards the claim of standing crop is concerned, the landowners did not adduce any evidence that any crop was standing at the time of acquisition of land.

In so far as the compensation for the tubewell is concerned, the landowners have produced PW1 M. L. Chugh, a clerk in the office of Haryana State Electricity Board, who deposed on the basis of record that an electricity tubewell connection was released in favour of one Jagir Singh of village Madanpur on 25.10.1980. However, he could not show any document that this tubewell was ever enjoyed by claimant Sham Lal. Learned counsel for the landowners could not point out any evidence which was not considered by the learned Court below while deciding the claim of the landowners.

In view of the above, both the appeals are dismissed.

12.8.2015
vs

(Rajesh Bindal)
Judge