

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

RFA No. 1356 of 1991 (O&M)
Date of decision : 5.10.2015

Jatinder Singh and another

... Appellants

vs

The State of Punjab

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Harish Goyal, Advocate, for the appellants.

Mr. Nilesh Bhardwaj, Deputy Advocate General, Punjab.

Rajesh Bindal, J.

By filing the present appeal, the landowners are seeking enhancement of compensation for the acquired land.

Briefly the facts are that vide notification dated 19.11.1980 (published in the Punjab Government Gazette dated 20.11.1980) issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the State of Punjab sought to acquire land situated within the revenue estate of villages Mataur and Sohana, Tehsil Kharar, District Ropar (now District Mohali), for development and utilization thereof as residential and commercial area as Sectors 70-71 in the revenue estate of Tehsil Kharar. Notification under Section 6 of the Act was issued on 8.11.1983 and published on 11.11.1983. The Land Acquisition Collector (for short, 'the Collector'), vide award dated 12.7.1984 assessed the market value of the acquired land @ ₹ 28,000/- per acre. Dissatisfied with the award of the Collector, the landowners filed objections. On reference under Section 18 of the Act, the learned court below while relying upon Division Bench judgment of this Court in Harchal Singh vs State of Punjab 1991 PLJ 20, vide award dated 16.3.1991 determined the market value of the acquired land @ ₹ 1,75,000/- per acre. It is this award, which has been impugned in

the present appeal.

Learned counsel for the appellants submitted that the land in question is located close to the grain market and was being used for commercial purpose, hence, the same deserves to be assessed at a higher rate. However, I do not find any reason to differentiate in the assessment of compensation for the acquired land considering the fact that it is not the land of the appellants only, which was located close to the grain market, as is sought to be suggested. The Division Bench judgment of this Court in Harchal Singh's (supra) had assessed compensation for the entire acquired land @ ₹ 1,75,000/- per acre and the same was followed by the learned reference court for the purpose of assessment of compensation. I do not find any reason to assess the value of the land differently than what has been assessed by the Division Bench of this Court pertaining to the entire land. Accordingly, the appeal is dismissed.

(Rajesh Bindal)
Judge

5.10.2015

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