

In the High Court of Punjab and Haryana at Chandigarh

**1. Regular First Appeal No. 2250 of 1996
Date of Decision: 06.5.2015.**

State of Punjab and othersAppellants

Versus

Romesh Singh and othersRespondents

2. Regular First Appeal No. 2251 of 1996

State of Punjab and othersAppellants

Versus

Raghubir SinghRespondent

3. Regular First Appeal No. 2252 of 1996

State of Punjab and othersAppellants

Versus

Subhash KumarRespondent

4. Regular First Appeal No. 2253 of 1996

State of Punjab and othersAppellants

Versus

JaimaloRespondent

5. Regular First Appeal No. 2219 of 1997

State of Punjab and othersAppellants

Versus

Beli RamRespondent

CORAM: HON'BLE MRS. JUSTICE SABINA

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

Mr. R.S.Manhas, Advocate and
Mr. Vinay Saini, Advocate for
Mr. G.S.Nagra, Advocate
for the respondents/ land owners.

SABINA, J.

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

Land belonging to the land owners, was sought to be acquired along with trees standing on it for construction of Hydel Channel. Notification under Section 4 of the Land Acquisition Act, 1894 ('Act' for short), was issued on 12.1.1990. Declaration under Section 6 of the Act was made on 28.2.1990. Land Acquisition Collector passed the supplementary award dated 10.3.1993 qua the fruit trees standing on the acquired land. Aggrieved against the said award, the land owners sought references under Section 18 of the Act. The Reference Court vide separate awards enhanced the amount of compensation qua the fruit bearing trees relying upon the report given by the expert examined by the land owners. Hence, the present appeals by the State.

I have heard the learned State counsel and the learned counsel for the land owners and have gone through the record

available on the file carefully.

So far as the number of trees standing on the acquired land are concerned, there is no dispute qua the same. Land owners have examined expert Sunder Singh in support of their case that they were entitled to receive higher compensation qua the trees standing on acquired land. In this regard, the expert Sunder Singh proved on record his report. State examined RW-1 Vipin Chander who proved on record his report. The Reference Court while relying upon the report, submitted by the expert examined by the land owners, enhanced the amount of compensation. Learned Reference Court rejected the report submitted by RW-1 Vipin Chander. RW-1 Vipin Chander, in his cross-examination, deposed that he had not consulted the revenue record before making the assessment. He deposed that he had visited the spot in October 1991 and the age of the trees was about 2 to 3 years. However, the said part of the statement of RW-1 was belied by the entries in the *khasra girdwari*. As per the entries in the *khasra girdawri* from *sauni* 1985 onwards, there were fruit trees standing over the land in question. This shows that the age of the trees, as disclosed by RW-1, standing on the acquired land, was not correct. As per the report submitted by the expert examined by the land owners, the age of the trees was five years and the class of trees was 'B'. The said expert had visited the spot in the year 1990. The age of the trees given by the expert examined by the land owners, was supported by the revenue record. In these circumstances, the learned Reference Court rightly based reliance on the report submitted by the expert examined by the land owners while assessing the market value of the standing trees on the acquired land. The report submitted by the expert examined by the State was liable to be rejected as the

said witness had not taken the age of the trees correctly while assessing their market value.

Hence, no ground for interference by this Court is made out.

Accordingly, all these appeals are dismissed.

**(SABINA)
JUDGE**

**May 06, 2015
Gurpreet**