

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

RFA No. 2516 of 1997 (O&M)

Date of decision : 5.11.2015

Sohan Singh and others

..... Appellants

VS

Chandigarh Administration and others

..... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Ms. Ekta Thakur, Advocate, for the landowners.

 Mr. Jaivir S. Chandail, Advocate, for U. T. Chandigarh.

Rajesh Bindal J.

This order will dispose of RFA Nos. 2516 to 2518, 2540 of 1997, 157 to 173, 539, 540 of 1998, as the same arise out of common acquisition.

The landowners are in appeal before this court seeking enhancement of compensation for the acquired land, whereas by filing appeals, the U. T. Chandigarh is seeking reduction thereof.

Briefly, the facts of the case are that vide notification dated 31.10.1991, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the Chandigarh Administration sought to acquire 1.15 acres of land situated within the revenue estate of village Maloya and 3.24 acres of land of village Dadu Majra, Union Territory, Chandigarh, for construction of 24"X36" Engineering Shaped Sewer from village Dhanas passing through Dadumajra Sewerage Treatment Plant in Village Maloya. It was followed by notification under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') assessed the market value of the acquired land @ ₹ 2,06,860/- per acre for the acquired land pertaining to village Dadumajra and ₹ 2,00,000/- per acre for the land of village Maloya, except gair mumkin nadi/ nala, for which compensation was assessed @ ₹ 75,000/- 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 assessed the market value of the acquired land @ ₹ 3,10,000/- per acre of chahi/ barani of both the villages and ₹ 1,40,000/- per acre for gair mumkin nadi, nallah. It is this award which is impugned in the present set of appeals by both the parties.

Learned counsel for the landowners submitted that close to the acquisition in question, land of revenue estate of villages Dadu Majra and Dhanas, Union Territory, Chandigarh, was acquired for providing accommodation to the Jawans of 20 Coys of para Military Forces, where notification under Section 4 of the Act was issued on 6.4.1992. This Court in RFA No. 2323 of 2000 Surinder Singh vs Union Territory, Chandigarh, decided on 1.9.2008, upheld the award of the learned Court below assessing compensation @ ₹ 4,57,800/- per acre for the levelled land and ₹ 1,71,675/- per acre for gair mumkin nadi/ nala kind of land. The land acquired vide aforesaid notification is quite close to the seasonal river *Patiala Ki Rao* flowing through the area, whereas the land in question is close to Sectors 38 and 39, Chandigarh. Hence, even if there is time gap between two acquisitions, the landowners in the present set of appeals deserve to be granted the same amount of compensation.

On the other hand, learned counsel for U. T. Chandigarh, submitted that amount of compensation as assessed by the learned Court below in the case in hand is already on higher side and the same deserves to be reduced. It has been assessed on the basis of award of earlier acquisition, Ex. A3, whereby the value of the land acquired vide notification under Section 4 of the Act dated 9.11.1987 in the area was assessed. There is no scope for any further enhancement. However, he did not dispute the fact that for the land acquired vide notification under Section 4 of the Act dated 6.4.1992, this Court in Surinder Singh's case (supra), had upheld the award of the learned Court below assessing compensation @ ₹ 4,57,800/- per acre for the levelled land and ₹ 1,71,675/- per acre for gair mumkin nadi/ nala kind of land.

Heard learned counsel for the parties and perused the paper book.

The fact that the area all around the acquired land had already been developed as it is located close to Sectors 38, 39 and 40, the land for which was acquired long back. In fact, the area had already been developed. Land of revenue estates of villages Maloya and Dadumajra adjoins each other. The water works is also situated near the acquired land. The land of village Dadumajra adjoins the land of village Dhanas.

For the acquired land of villages Dadumajra and Dhanas, vide notification dated 6.4.1992, this Court in Surinder Singh's case (supra), had assessed the compensation @ ₹ 4,57,800/- per acre for the levelled land and ₹ 1,71,675/- per acre for gair mumkin nadi/ nala kind of land. Notification in the present case was issued on 31.10.1991. Even if there is time gap in two notifications and the present acquisition is earlier in time, in my opinion, the same amount of compensation deserves to be granted to the landowners for the land in question herein on account of its better location.

Considering the aforesaid facts, the landowners in the present set of appeals are held entitled compensation @ ₹ 4,57,800/- per acre for the levelled land and ₹ 1,71,675/- per acre for gair mumkin nadi/ nala kind of land. They shall also be entitled to all the statutory benefits available to them under the Act.

The appeals filed by the landowners are allowed and the appeals filed by U. T. Chandigarh are dismissed.

5.11.2015
vs.

(Rajesh Bindal)
Judge