

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

RFA No. 544 of 1996 (O&M)

LAC No. 43 of 1995

Date of decision : 1.9.2015

Jai Bhan and others

..... Appellants

VS

State of Haryana and others

.... Respondents

Present: Mr. Kulvir Narwal, Advocate, for the appellants.

Mr. Shivendra Swaroop, Assistant Advocate General, Haryana.

Rajesh Bindal J.

This order will dispose of five appeals bearing RFA Nos. 544, 718, 860, 1002 and 1499 of 1996, as the same arise out of common acquisition.

The landowners are in appeals before this court against the award of the learned court below passed under Section 18 of the Land Acquisition Act, 1894 (for short, 'the Act') seeking enhancement of compensation for the acquired land.

Briefly, the facts are that vide Notification dated 4.12.1991, published on 6.12.1991, issued under Section 4 of the Act, the land situated in the area of Village Asaudha Todran, Hadbast No.28, Tehsil Bahadurgarh, then District Rohtak, was sought to be acquired by the State of Haryana for construction of Gurgaon Water Supply Channel from RD No. 19.924 km to 39.00 km (left out killa numbers). Notification under Section 6 of the Act was issued on 3.7.1992, published on 6.7.1992. The award was announced by the Land Acquisition Collector (for short, "the Collector") on 19.1.1993, granting compensation @ ₹ 2,00,000/- per acre for chahi/ nehri and ₹ 60,000/- per acre for banjar kadim and gair mumkin rasta. Dissatisfied with the amount of compensation awarded by the Collector, the landowners filed objections. On reference, the learned Court below vide award dated 4.9.1995, upheld the award of the Collector and rejected the claim of the landowners. It is this award, which has been impugned in the present set of appeals.

Learned counsel for the appellants submitted that the issue raised in the present set of appeals is squarely covered by judgment of this Court in RFA No. 982 of 1995 Hindustan Petroleum Corporation Limited vs Bharta (deceased) and others, decided on 22.8.2013. However, he further submitted the land of the appellants was situated on the road, thus, they are entitled for higher compensation.

On the other hand, learned counsel for the State submitted that the acquired land is left out portion of the earlier acquisition. It is not on the road. However, he could not dispute the fact that the claim of the appellants in the present case was squarely covered by judgment of this Court in Bharta (deceased)'s case (supra).

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

As nothing has been produced on record by the landowners to show the location of the land, the learned court below has rightly assessed the compensation while relying upon the earlier acquisition. It is left out portion of the earlier acquired land. Since this Court in Bharta's case (supra), has upheld the award of the learned Court below, nothing survives in the present appeals. Accordingly, for the reasons recorded in Bharta's case (supra), the present appeals are dismissed.

1.9.2015
vs.

(Rajesh Bindal)
Judge