

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

RFA No. 1699 of 2000

Date of Decision: 01.04.2015

Anokh Singh and others

.....Appellants

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Arun Bansal, Advocate,
for the appellants.

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

SABINA, J.

Land measuring 16 kanals 2 marlas, belonging to the appellants was sought to be acquired for construction of the road. Notification under Section 4 of the Land Acquisition Act, 1884 (in short 'the Act') was issued on 20.02.1981. Declaration under Section 6 of the Act was made on 12.02.1982. The Collector vide award dated 02.09.1982, awarded compensation for the acquired land as under:-

“1. Nehri	₹ 13,496/- per acre
2. Rasaully	₹ 9,000/- per acre
3. Gairmumkin	₹ 7,000/- per acre”

The land owners were further held entitled to receive compensation @ 15 per cent.

Aggrieved against the award, passed by the Collector, land owners sought reference under Section 18 of the Act. The Reference Court vide impugned award dated 22.02.2000, enhanced the compensation to the

tune of ₹30,000/- per acre. Land owners were further held entitled to receive and recover compensation with regard to severance of land measuring 13 kanals @ ₹15,000/- per acre. The land owners were further held entitled to receive statutory benefits as admissible under Section 23 (1-A) and 23 (2) and 28 of the Act.

In order to substantiate their plea that the appellants were entitled to receive compensation at the enhanced amount, the appellants had placed reliance on the sale deed dated 03.06.1981 (Exhibit A-1). Appellants also examined AW-1, Badal Singh, who proved the sale deed Exhibit A-1 and further stated that the price of land in the area was ₹50,000/- per acre. AW-2, Gurbachan Singh, deposed that the value of the acquired land was about ₹50,000/- per acre. Admittedly, the market value of the land in question has been assessed in terms of sale deed Exhibit A-1, by the reference Court @ ₹30,000/- per acre. Therefore, no ground for enhancement of compensation awarded to the appellants is made out as the compensation has already been assessed by the Reference Court, in terms of the evidence led by the appellants. Further the appellants have also been held entitled to receive compensation @ ₹15,000/- per acre with regard to severance of land measuring about 13 kanals. Learned counsel for the appellants has failed to make out a case for enhancement of the said amount.

In these circumstances, no ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

April 01, 2015
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