

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

RFA No. 1773 of 2004 (O&M)

Date of Decision: 20.05.2015

Harnek Singh

.....Appellant

Vs.

**Union of India through the Land Acquisition Collector U.T.,
Chandigarh**

.....Respondent

2. RFA No. 1746 of 2005 (O&M)

Union Territory Chandigarh

----Appellant

Vs.

Harnek Singh

-----Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. J.S. Brar, Advocate,
for the appellant (in RFA No. 1773 of 2004),
for the respondent (in RFA No. 1746 of 2005).

Mr. Vishal Sodhi, Advocate,
for the appellant (in RFA No. 1746 of 2005),
for the respondent (in RFA No. 1773 of 2004).

SABINA, J.

Vide this order above mentioned two appeals filed by the land-owner as well as the Administration would be disposed of as they have arisen out of the same award dated 10.04.2004.

Learned counsel for the appellant has submitted that so far as the assessment of the market value of the acquired land is concerned, these appeals are covered by the decision given by this

Court in **RFA No. 3921 of 2007** titled as **Arunash Chander Kaushik and others** vs. **Union Territory, Chandigarh** decided on 10.02.2009. Learned counsel for the appellant has further submitted that so far as the compensation qua the standing trees of the acquired land is concerned, the same was liable to be enhanced as the number of trees standing on the acquired land as per Exhibit RW-1/A was 1092 whereas compensation had been determined as per Exhibit RW-1/D qua 626 trees.

Learned counsel for the Administration has submitted that these appeals are liable to be disposed of in terms of decision given by this Court in **RFA No. 3921 of 2007** titled as **Arunash Chander Kaushik and others** vs. **Union Territory, Chandigarh** decided on 10.02.2009.

In the present case, appellants were granted compensation qua the acquired land as well as the standing trees on the acquired land. So far as the assessment of the compensation qua the standing trees is concerned, the respondents had examined RW-1 Narinder Pal Singh, who had proved the relevant documents in this regard. The said witness proved the documents vide which compensation qua the trees standing on the acquired land had been assessed. However, the land-owner had failed to counter the documents proved on record by RW-1 Narinder Pal Singh by examining an expert on his behalf. Although, as per Exhibit RW-1/A, so far as the appellant Harnek Singh is concerned, the number of trees standing on his land are mentioned as 1092. However, while assessing the compensation as per Exhibit RW-1/D, the

compensation qua the trees standing on the land belonging to the appellant Harnek Singh has been assessed qua 626 trees. A perusal of the cross-examination of RW-1 Narinder Pal Singh, reveals that no query was put to the said witness qua this discrepancy, so that he could have explained the same. The oral testimony of PW-1 Harnek Singh is not sufficient to rebut the statement of RW-1 as the statement of RW-1 is based on record.

In these circumstances, the compensation assessed on the basis of the record proved by RW-1 Narinder Pal Singh, qua the standing trees on the land of the appellant calls for no interference.

According, these appeal are disposed of in terms of the decision given by this Court in **RFA No. 3921 of 2007** titled as **Arunash Chander Kaushik and others** vs. **Union Territory, Chandigarh** decided on 10.02.2009.

**(SABINA)
JUDGE**

May 20, 2015
nitin