

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

RFA No. 1484 of 2003 (O&M)

LAC No. 453 of 21.3.1998

Date of decision : 22.9.2015

Munshi Ram Chhabra (deceased) through LRs .. Appellant

versus

Land Acquisition Collector,
Union Territory, Chandigarh .. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. P. C. Dhiman, Advocate, for the landowners.

Mr. Vishal Sodhi, Advocate, for the respondent.

Rajesh Bindal, J.

This order will dispose of RFA Nos. 1484 to 1487, 1489, 1490, 1498, 2006 to 2008 of **2003** and 1090 of **2013**, as the same arise out of common acquisition.

By filing appeal, the landowners are seeking enhancement of compensation for the acquired land.

Briefly, the facts are that vide notification dated 4.4.1994, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the Chandigarh Administration sought to acquire 319 kanals 18 marlas of land situated in village Mouli Jagran, Union Territory, Chandigarh, for rehabilitation of Labour Colonies. The same was followed by notification under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') vide award no. 490 dated 18.10.1994 assessed the market value of the acquired land @ ₹ 3,00,000/- per acre. Dissatisfied with the award of the Collector, the landowners filed objections. On reference, the learned court below determined the market value of the acquired land @ ₹ 6,33,500/- per acre. This award has been impugned in the present set of appeals.

Learned counsel for the landowners submitted that the land in question has been acquired after the acquisition of land adjoining to the acquired land for the same purpose, namely, rehabilitation of Labour Colonies. The notification under Section 4 of the Act in the earlier acquisition was issued on 12.9.1991. The Reference Court for the aforesaid acquisition has assessed the compensation @ 192/- per square yard. RFA No. 1665 of 2011 *Darshan Kumar and others vs Union of India* is pending this Court. Whatever compensation is assessed finally for the aforesaid acquisition, there being time gap of 2 years 6 months 15 days in the two acquisitions, the landowners be granted increase @ 12% per annum with cumulative effect for the aforesaid time gap. There is no sale-deed available on record. It is for the reason that there are number of restrictions for use of the land in Chandigarh because of application of various laws.

On the other hand, learned counsel for the respondent submitted that the acquired land in question is located adjoining to the earlier acquired land, where notification under Section 4 of the Act was issued on 12.9.1991 and for the same purpose. The time gap in two acquisitions also was not disputed. He further submitted that there being no evidence on record, which suggest increase in the prices during the aforesaid interregnum, increase at the flat rate should not be granted.

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

Acquired land in the present case is situated near the Railway track toward Panchkula side. It was adjoining to the land earlier acquired for the same purpose where notification under Section 4 of the Act was issued on 12.9.1991. This Court in *Darshan Kumar*'s case (supra), has upheld the award of the Reference Court assessing the compensation for the aforesaid acquisition @ ₹ 192/- per square yard, though no justification as such could be found as the reliance was on an award pertaining to land which was not comparable but still Union Territory, Chandigarh, was not in appeal. In the present case Union Territory, Chandigarh, has not filed any appeal. Still there is a gap of 2 years 6 months between the two acquisitions. In the earlier acquisition, the landowners have been granted compensation @ ₹ 192/- per square yard. Some increase deserves to be granted to the

landowners in the present case, whose land was acquired 2 years 6 months after the earlier acquisition.

If increase @ 12% per annum is added on ₹ 192/- per square yard for the gap period of 2 years 6 months between the two acquisition, the compensation comes to ₹ 250/- per square yard.

For the reasons mentioned above, the appeals are allowed. The landowners are awarded compensation @ ₹ 250/- per square yard. They shall also be entitled to all the statutory benefits available to them under the Act.

22.9.2015
vs

(Rajesh Bindal)
Judge