

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

RFA No. 1632 of 2005 (O&M)

Date of Decision: 28.05.2015

Kaka Singh

.....Appellant

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Naresh Kaushal, Advocate,
for the appellant.

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

SABINA, J.

Learned counsel for the appellant has submitted that this appeal is liable to be disposed of in terms of the decision given by this Court in **RFA No. 1273 of 2005** titled as **Avtar Singh** vs. **Punjab State** decided on 01.12.2010.

Learned State counsel has failed to controvert the submission made by the learned counsel for the appellant as **RFA No. 1273 of 2005** has arisen out of the same notification.

This Court while deciding **RFA No. 1273 of 2005** has held as under:-

“PW-2 Amar Singh is a draftsman. He has deposed that he has experience of valuation of super-structures. There is tendency to inflat valuation by the experts produced by the claimants and to under value

the valuation by the Government officials. Therefore to equalise the normal tendency, I deem it appropriate to determine the compensation as average of the two valuations. Therefore, the compensation for the superstructure is determined as Rs.4,24,612/-. The appellant shall be entitled for other statutory benefits i.e. solatium and interest under Sections 23(1-A), 23(2) and 28 of the Act, on the compensation amount awarded."

In this case, qua the superstructure, the expert examined by the appellant had assessed the value of superstructure @ ₹2,42,900/- whereas the expert examined by the State had assessed the value of superstructure @ ₹1,38,550/-.

Keeping in view the decision of this Court in Avtar Singh's case (supra), the compensation qua the superstructure is determined as ₹1,90,725/-. The appellant shall also be entitled of other statutory benefits i.e. solatium and interest under Sections 23(1-A), 23 (2) and 28 of the Land Acquisition Act, 1894 on the awarded amount of compensation.

Appeal stands disposed of, accordingly.

**(SABINA)
JUDGE**

May 28, 2015
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