

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

RFA No. 3038 of 2006 (O&M)

LAC No. 490 of 2003

Date of decision : 1.10.2015

Tara Singh

.. Appellant

versus

Union Territory, Chandigarh

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Ramesh Kumar Dhiman, Advocate, for the landowners.

Mr. Vishal Sodhi, Advocate, for Union Territory, Chandigarh.

Rajesh Bindal, J.

This order will dispose of RFA Nos. 3038, 3384, 3572, 3573, 3834, 3835, 4312 of **2006**, and 48 of **2007**, as the same arise out of common acquisition.

By filing appeals, the landowners are seeking enhancement of compensation for the acquired land, whereas by filing appeal, Union Territory, Chandigarh, is seeking reduction thereof.

Briefly, the facts are that vide notification dated 7.2.2000, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the Chandigarh Administration sought to acquire 1.85 acres of land situated in village Jhumru, Hadbast No.260, Union Territory, Chandigarh, for development of IIIrd Phase (Sectors 48 and 49), Chandigarh. Notification under Section 6 of the Act was also issued on the same day. The Land Acquisition Collector (for short, 'the Collector') vide award no. 542 dated 25.9.2001 assessed the market value of the acquired land @ ₹ 5,28,320/- 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 @ ₹ 15,60,000/- per acre. It is this award, which has been impugned in the present set of appeals by both the parties.

Learned counsel for the landowners submitted that the learned court below has not awarded just and fair compensation for the acquired land keeping in view its location. In the nearby area, the land was sold by the Chandigarh Administration to the Housing Board @ ₹ 500/- per square yard and then the Chandigarh Housing Board gave the same land to the Cooperative House Building Societies @ ₹ 750/- per square yard. He further submitted that the learned court below had assessed the compensation in the present case while relying upon the award of village Jhumru (Ex. P-7 in LAC No. 17 of 2004), for which land was acquired vide notification under Section 4 of the Act on 3.7.1997. This Court in RFA No.2785 of 2002 – *Hari Singh and another vs Union Territory, Chandigarh*, decided on 30.3.2009, for the acquired land of village Jhumru vide notification dated 15.5.1998, assessed the compensation @ ₹ 16,80,040/- per acre. The acquisition in the present case was in the same village and for the same purpose, though later in time, increase @ 15% per annum cumulatively should be granted for the purpose of assessment of compensation considering the time gap between two notifications.

Learned counsel for the Union Territory, Chandigarh, did not dispute the fact that acquisition in the area was earlier carried out vide notification dated 15.5.1998 for the same purpose and this Court in *Hari Singh's* case (supra) had assessed the compensation @ ₹ 16,80,040/- per acre. He fairly submitted that for the acquisition later in time in same area, the landowners are entitled to increase on the amount of compensation for the time gap.

After hearing learned counsel for the parties, I find merit in the submissions made by learned counsel for the landowners. The area all around had already been developed. For same purpose in the same village, the acquisition had already been carried out way back in the year 1998. For the acquisition in question, the notification under Section 4 of the Act was issued on 7.2.2000, whereas the earlier notification acquiring the land in the area for the same purpose was issued on 15.5.1998. There is time gap of about one year and nine months. This Court in *Hari Singh's* case (supra), has awarded compensation @ ₹ 16,80,040/- per acre for the land acquired vide notification dated 15.5.1998. As there is time gap of one year and nine

months, the landowners are held entitled to increase thereon @ 12% per annum calculated with cumulative effect. If the aforesaid amount is added, the compensation comes to ₹ 20,50,995/-, which is rounded off to ₹ 20,51,000/- per acre.

Accordingly, the landowners in the present set of appeals shall be entitled to compensation @ ₹ 20,51,000/- per acre. They shall also be entitled to all the statutory benefits available to them under the Act.

For the reasons mentioned above, the appeals filed by the landowners are allowed, and that of Union Territory, Chandigarh, is dismissed.

1.10.2015

vs

(Rajesh Bindal)

Judge