

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

RFA No. 798 of 1996 (O&M)

Date of decision : 2.9.2015

Ranjit Singh

.. Appellant

versus

State of Punjab and another

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. S. K. Singla, Advocate, for the appellant.

Mr. Nilesh Bhardwaj, Deputy Advocate General, Punjab.

Rajesh Bindal, J.

The landowner is in appeal seeking enhancement of compensation for the acquired land.

Briefly, the facts are that State of Punjab vide notification dated 26.5.1988 issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') sought to acquire land situated in the revenue estate of Village Madanpur, Hadbast No. 80, Tehsil Rajpura, District Patiala, for construction of Raj Khand Minor Distributory. Notification under Section 6 of the Act was issued on 18.7.1988. The Land Acquisition Collector (for short, the Collector) vide award dated 4.1.1990 assessed the market value of the acquired land @ ₹ 25,000/- per acre for chahi, ₹ 20,000/- per acre for dakar and ₹ 15,000/- per acre for gair mumkin kind of land. Feeling dissatisfied with the award of the Collector, the landowner filed objections. On reference under Section 18 of the Act, the learned Court below, assessed the compensation for the acquired land @ ₹ 15,000/- per bigha. It is this award which is impugned in the present appeal.

Learned counsel for the landowner did not dispute the fact that for the purpose of assessment of compensation, the learned Reference Court has relied upon award pertaining to land acquired vide same notification for the same purpose. He further argued that for the assessment of compensation for the land acquired for construction of SYL canal minimum

compensation of ₹ 1 lac was being paid and the acquisition in the present case is also for construction of minor distributory from SYL Canal.

On the other hand, learned counsel for the State submitted that learned court below has awarded just and fair compensation while relying upon earlier award pertaining to same acquisition. No evidence was led by the landowner, except oral statement of the petitioner to show the value of the land in the area.

After hearing learned counsel for the parties, I do not find any merit in the contention raised by the learned counsel for the appellant. Once it is not in dispute that the landowners whose land was acquired vide same notification for the same purpose have been awarded a particular amount of compensation by the learned Reference Court and the appellant has also been granted the same amount, in my opinion, no case for enhancement is made out. Reliance on the award pertaining to the land acquired for construction of SYL Canal is not relevant for the reason that for that acquisition there being lot of agitation, the then Chief Minister settled that particular amount of compensation will be paid to the landowners, hence, that cannot be said to be a precedent to be followed.

For the reasons mentioned above, I do not find any merit in the present appeal. The same is accordingly dismissed.

2.9.2015
vs

(Rajesh Bindal)
Judge