

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

RFA No. 2765 of 2013 (O&M)

LAC No. 80 of 2009

Date of decision : 06.10.2015

Amrik Singh and another

.. Appellants

versus

Union Territory, Chandigarh

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. P. C. Dhiman, Mr. R. K. Dhiman, and
Mr. Naresh Kaushal, Advocates, for the landowners.

Mr. Sanjeev Sharma, Senior Advocate with
Mr. Deepak Sharma, Advocate, for the respondent.

Rajesh Bindal, J.

This order will dispose of RFA Nos. 2765, 3939 to 3955, 4243, 4244, 4733, 5427, 7192 to 7206 of **2013**, 20, 23, 199, 1254, 1492, 2140 of **2014**, as the same arise out of common acquisition.

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

Briefly, the facts are that vide notification dated 21.11.2005, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the Chandigarh Administration sought to acquire land situated in the revenue estates of villages Badheri, Kajheri and Palsora, Union Territory, Chandigarh, for development as third phase of Chandigarh. Notification under Section 6 of the Act was issued on 25.11.2006. The Land Acquisition Collector (for short, 'the Collector') vide award no. 590 dated 24.11.2008 assessed the market value @ ₹ 10,58,880/- per acre for the land of village Palsora, ₹ 24,65,420/- per acre for the land of village Badheri and ₹ 11,86,667/- per acre for the land of village Kajheri. 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 of all

the villages @ ₹ 34,50,144/- per acre. This award has been impugned in the present set of appeals.

Learned counsel for the landowners submitted that the acquired land in the case in hand is forming part of Sector-55, Chandigarh. The area around that was already developed. On the one side of the acquired land, there are Sectors 39, 40, 41 which were already developed, as the acquisition for development as third phase was carried out long back. In fact, it abuts the boundary of State of Punjab. The area on the side of State of Punjab was already well developed as Phase VI.

Learned counsel for the landowners further submitted that the Reference Court for the purpose of assessment of compensation for the acquired land had placed reliance upon earlier acquisition for which notification under Section 4 of the Act was issued on 3.8.1999, for development as third phase pertaining to land of Kajheri, Badheri and Palsora and considering the time gap of 66 months, granted increase thereon. The same will not be the reasonable amount as there was lot of development in between. There had been later acquisition pertaining to land of village Maloya, for which notification under Section 4 of the Act was issued on 8.1.2007, for construction of Modern Terminal Market, Sector-39, Chandigarh. In fact, it was small pocket left out from the earlier acquisitions, which was acquired later on. The majority of the land in Chandigarh had been acquired for planned development. The plots in Sectors 38 and 39 and other adjoining sectors were being sold at exorbitant price. He further referred to the award pertaining to acquisition of land of village Dhanas, which was located though at a distance but close to the Punjab boundary going ahead from Sector 25, Chandigarh. Notification under Section 4 of the Act therein was issued on 30.1.2006, which is close to the acquisition of land in the present case. This Court for the aforesaid acquisition in RFA No. 1437 of 2012 Dalwinder Singh and another vs Union Territory, Chandigarh, decided on 22.9.2015, had assessed the compensation @ ₹ 91,80,000/- per acre. The land in question is better located than the land of village Dhanas.

On the other hand, learned counsel appearing for U. T. Chandigarh, submitted that the land pertaining to revenue estate of village

Dhanas, the valuation of which was under consideration in Dalwinder Singh's case (supra), is located at far off place, hence, it would not be reasonable to place reliance thereon. He further submitted that the award which has been relied upon by the learned Court below is the best piece of evidence considering the fact that the same pertains to land located close by. He further submitted that the land of village Dhanas is better located as it is near the Botanical Garden.

In response to the plea that the land of village Dhanas is better located as it is located near the Botanical Garden, learned counsel for the landowners submitted that the land in question is adjoining to the already developed areas of Sectors 39 to 41 on one side and developed areas in Punjab on the other side.

Heard learned counsel for the parties and perused the relevant referred record.

From the site plan produced by the landowners on record as Ex.P-40, it is evident that the acquired land is forming part of Sector-55, Chandigarh. The area all around had already been developed. Even for Phase-III, the acquisition had already been carried out way back in the year 1999, the award of which, in fact, had been relied upon by the learned Court below for the purpose of assessment of compensation. Adjoining to Sector-55, Chandigarh, the area forming part of Sectors 39, 40 and 41 was acquired in the year 1969 and it was already developed. Hence, to place reliance upon the award pertaining to land for which acquisition was carried out 5½ years earlier may not be appropriate seeing the pace of development. As against that the landowners placed reliance upon the award pertaining to acquisition of land of village Dhanas, the location of which is not better than the land in question, as the same is near the boundary of State of Punjab. Similar is the situation of acquired land. It is close to Sector-55, Chandigarh and boundary of State of Punjab. This Court in Dalwinder Singh's case (supra) for the land of village Dhanas, where notification under Section 4 of the Act was issued on 30.1.2006, had assessed compensation @ ₹ 91,80,000/- per acre. Reliance therein was placed upon the sale-deeds which were proximate in time and location to the acquisition.

Considering the aforesaid facts and also that the notification in the present case was issued two months prior in time, the landowners deserves to be granted compensation of ₹ 90,00,000/- per acre. They shall also be entitled to all the statutory benefits available to them under the Act.

Ordered accordingly.

The appeals are disposed of.

06.10.2015
vs

(Rajesh Bindal)
Judge