

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

RFA No. 3495 of 2013 (O&M)

LAC No. 257 of 2010

Date of decision : 06.10.2015

Vijay Kumar Bansal

.. Appellant

versus

Union Territory, Chandigarh

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. P. C. Dhiman, Mr. R. K. Dhiman,
Mr. Naresh Kaushal, Mr. Neeraj Sharma,
Mr. Hardip Singh and Mr. Mohan Singh Rana, Advocates,
for the landowners.

Mr. Sanjeev Sharma, Senior Advocate with
Mr. Vikram Vir Sharda, Mr. Vishal Sodhi,
Mr. Deepak Sharma, Advocates,
Mr. Parveen Chauhan, Advocate for
Ms. Rupinder Kaur Wasu, Advocate,
for Union Territory, Chandigarh.

Rajesh Bindal, J.

This order will dispose of RFA Nos. 3495, 3977 to 3981, 5470 to 5478, 5681 to 5695, 6846 of **2013** and 577, 725 to 728, 2133, 2272, 2556 to 2559, 3668, 3807 to 3810, 3830 6602 of **2014**, 1463 of **2015**.

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

Briefly, the facts are that vide notification dated 27.10.2006, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the Chandigarh Administration sought to acquire 64 kanals 7 marlas of land situated in village Dadumajra, Hadbast No. 14, and the land measuring 56 kanals 1 marla, situated in village Maloya, Hadbast No. 13, Union Territory, Chandigarh, for sustainable and planned development of the peripheral area around the villages and for providing community and public utility services/ amenities. It was followed by notification dated

26.10.2007 issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') vide award no. 598 dated 12.10.2009 assessed the market value of the acquired land of village Maloya @ ₹ 30,50,362/- per acre and vide award no. 599 dated 12.10.2009 assessed the market value of acquired land of village Dadumajra @ ₹ 33,84,580/- per acre. Dissatisfied with the award of the Collector, the landowners filed objections. On reference, the learned court below while relying upon award no. 582 dated 17.1.2012 determined the market value of the acquired land of village Dadumajra @ ₹ 59,90,000/- per acre and while relying upon award no. 595 dated 4.6.2009, the value of the acquired land of village Maloya was assessed @ ₹ 59,78,000/- per acre.

Vide another notification dated 8.1.2007, issued under Section 4 of the Act, the Chandigarh Administration sought to acquire 29.19 acres of land situated in village Maloya, Hadbast No. 13, Union Territory, Chandigarh, for Modern Terminal Market, Sector-39, Chandigarh. Notification under Section 6 of the Act was issued on 5.6.2007. The Collector vide award no. 595 dated 4.6.2009 assessed the market value of the acquired land @ ₹ 55,32,744/- per acre. Dissatisfied with the award of the Collector, the landowners filed objections. On reference, the learned court below while relying upon award no. 582 dated 15.12.2006 determined the market value of the acquired land @ ₹ 61,00,000/- per acre.

These awards have been impugned in the present set of appeals.

Learned counsel for the landowners submitted that the acquired land in the present case is strategically located with area around already developed. It is located adjoining to already developed Sector-39, Chandigarh, the land for which was acquired in the year 1969. The Water Works was constructed, for which the acquisition was carried out on 22.3.1978. The New Grain Market is also located in the close vicinity for which notification under Section 4 of the Act was issued on 24.3.1983. Just close to the acquired land, adjoining to the boundary of State of Punjab, was the land acquired for New Transport area where notification under Section 4 of the Act was issued on 4.4.2000. The purpose for which the land was acquired in the present case is Modern Terminal Market. As the area all around had already been developed, the compensation deserved to be

assessed accordingly. With regard to valuation of land, the landowners have placed on record the sale-deeds, Ex. P14 and P-15, pertaining to the same revenue estate, the land of which was located at a place, which cannot be said to be superior than the acquired land. The average sale consideration paid therein was ₹ 1,00,00,000/- per acre. Further reliance was placed upon the award pertaining to acquisition of land of village Dhanas, where notification under Section 4 of the Act was issued on 30.1.2006 and this Court 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. Even the learned Reference Court has also placed reliance upon its award pertaining to the same acquisition, however, at that stage all the appeals were pending before this Court. As now those have been decided, the compensation may be granted in terms thereof.

Learned counsel for the Union Territory, Chandigarh, very fairly submitted that Union Territory, Chandigarh, not being in appeal against the award of the Reference Court on the principle adopted for assessment of compensation, hence, that would be the fair amount of compensation even for the acquired land in the case in hand.

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

The fact that the area all around the acquired land had already been developed as it is located adjoining to Sectors 38, 39 and 56 and New Transport area, the land for which was acquired long back. In fact, the area had already been developed. For the purpose of assessment of compensation, the Reference Court had placed reliance upon the award pertaining to the land of village Dhanas, where notification under Section 4 of the Act was issued on 30.1.2006. The aforesaid award of village Dhanas was the subject matter of appeal in Dalwinder Singh's case (supra), wherein the compensation was assessed @ ₹ 91,80,000/- per acre. Besides this, even the landowners have produced on record sale-deeds, Ex. P-14 and Ex. P15, registered just prior to issuance of notification under Section 4 of the Act, where also the value shown per acre is ₹ 1 crore. Acquisition in the present case is not a big chunk of land. Hence, in my opinion, the landowners in the

present set of appeals deserve to be granted the same amount of compensation i.e. @ ₹ 91,80,000/- 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