

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

RFA No. 4090 of 2013 (O&M)

Date of decision : 11.12.2015

Jumla Mushtarka Malkan Va
Deegar Haqdarani of village Lahora

.. Appellants

versus

Union Territory, Chandigarh

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. P. C. Dhiman and Mr. Hardip Singh, Advocates,
for the landowners.

Mr. Deepak Sharma, Advocate, for U.T. Chandigarh.
Mr. A. P. Setia, Advocate, for U. T. Chandigarh in
RFA Nos. 4953 to 4965 of 2013.

Rajesh Bindal, J.

This order will dispose of RFA Nos. 4090, 4091, 4267, 4268, 4953 to 4965, 6646 and 6647 of 2013, 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 25.7.2005, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the Chandigarh Administration sought to acquire 81 kanals 12 marlas of land situated in the revenue estate of village Lahora, Union Territory, Chandigarh, for the development of complex for important projects and allied purposes i.e. Chandigarh Science Park and Institutional Area and for regulated and planned development under the Capital of Punjab (Development & Regulation) Act, 1952 in village Lahora. It was followed by notification under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') vide award no.588 dated 23.7.2008 assessed the market value @ ₹ 7,56,755/- 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 @ ₹ 27,75,767/- per acre. This award has been impugned in the present set of appeals by the landowners.

Learned counsel for the landowners submitted that the acquired land is located close to the area already developed. There had been earlier acquisitions in the area. It is adjoining to the already developed area. The same is abutting the boundary of State of Punjab. There were lot of developments in the vicinity. For the purpose of assessment of compensation, the learned Court below placed reliance upon the award pertaining to acquisition of land in village Lahora, where notification under Section 4 of the Act was issued on 20.11.2003. This Court in RFA No. 2025 of 2009 Sh. Kanwaljit Singh Mujral and another vs Union Territory, Chandigarh, decided on 17.8.2015, has assessed the compensation @ ₹ 27,90,000/- per acre for the land acquired vide aforesaid notification. The acquisition in the present case was in the same village and for the same purpose, though later in time, increase @ 15% per annum with cumulative effect 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 20.11.2003 for the same purpose and this Court in Sh. Kanwaljit Singh Mujral's case (supra) had assessed the compensation @ ₹ 27,90,000/- 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.

Heard learned counsel for the parties and perused the paper book.

The fact that for the purpose of assessment of compensation for the acquired land, the reliance was placed upon award of the reference Court pertaining to earlier acquisition of land of same village Lahora, for which notification under Section 4 of the Act was issued on 20.11.2003, is not disputed. The principle is not in dispute as no appeal has been filed by the Union Territory, Chandigarh. For the aforesaid acquisition, this Court

in Sh. Kanwaljit Singh Mujral's case (supra), had assessed the compensation @ ₹ 27,90,000/- per acre. There is a time gap of twenty months in between two acquisitions namely acquisition dated 20.11.2003 and the acquisition in question where notification under Section 4 of the Act was issued on 25.7.2005. If for the aforesaid time gap increase with cumulative effect @ 12% per annum is granted, the amount of compensation would come out to ₹ 33,74,784/- per acre, which is rounded off to ₹ 33,75,000/- per acre.

Accordingly, the landowners are granted compensation @ ₹ 33,75,000/- per acre. They shall also be entitled to all the statutory benefits available to them under the Act.

The appeals are allowed.

11.12.2015
vs

(Rajesh Bindal)
Judge