

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No. 2167 of 2015 (O&M)
Date of decision: 20.11.2015

Surinder Singh

.. Appellant

v.

Punjab State

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Naresh Kaushal, Advocate for the appellant.

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Rajesh Bindal J.

Challenge in the present appeal is to the award dated 16.4.2005, passed by the learned Reference Court awarding compensation on account of super-structure existing on the acquired land. The appeal is accompanied by an application seeking condonation of delay of 3,414 days in filing thereof.

Briefly, the facts of the case are that vide notification dated 7.6.1993, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Punjab sought to acquire the land, situated in village Jagatpura, Tehsil Mohali, District Ropar along with structures standing thereon for setting up of residential urban estate. The Land Acquisition Collector (for short, 'the Collector'), vide award No. 456 dated 20.2.1996, assessed the value of the structures at ₹ 45,306/-.

Dissatisfied with the award of the Collector, the land owners filed objections. On reference under Section 18 of the Act, the learned court enhanced the value of structures by 9% over the rates assessed by the Collector.

The applicant-appellant in the present case was awarded compensation of ₹ 45,306/- as compensation on account of some construction existing on the acquired land. The learned Reference Court awarded increase of 9% in the value thereof. This Court in various judgments had been granting 25% increase on the value of superstructures existing on the acquired land as a thumb rule. Reference in this regard can be made to judgments of this court in RFA No. 663 of 2004—Union Territory Chandigarh v. Sajjan Singh, decided on 2.8.2006, RFA No. 579 of 2006—Smt. Akko Devi and others v. Union Territory, Chandigarh and another, decided on 1.10.2008, RFA No. 1990 of 2002—Bhagwan Kaur and others v. The Punjab State and another, decided on 4.12.2008, RFA No. 727 of 2001—Narinder Singh v. Union Territory, Chandigarh, decided on 4.2.2009, RFA No. 3921 of 2007—Arunash Chander Kaushik and others v. Union Territory, Chandigarh, decided on 10.2.2009 and RFA No. 3004 of 2006—Surjit Singh v. State of Punjab and another, decided on 2.3.2009. If calculated, the differential amount will be quite meager.

Considering the aforesaid fact and delay of 3,414 days in filing the appeal, I do not find any reason either to condone the delay or to interfere with the impugned award.

Accordingly, the application for condonation of delay as well as the appeal are dismissed.

(Rajesh Bindal)
Judge

20.11.2015
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