

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

RFA No. 6554 of 2013 (O&M)

LAC No. 77/84 of 2010

Date of decision : 06.10.2015

Gurpreet Singh and another

.. Appellants

versus

Union Territory, Chandigarh

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Naresh Kaushal, Mr. P. C. Dhiman,
Mr. R. K. Dhiman, Mr. Neeraj Sharma, Advocates,
for the landowners.
Mr. Sanjeev Sharma, Senior Advocate with
Mr. Vikram Vir Sharda, Mr. Vishal Sodhi, and
Mr. Deepak Sharma, Advocates, for the respondent.

Rajesh Bindal, J.

This order will dispose of RFA Nos. 6554 to 6573, 6843 of **2013**, 465 to 473, 816, 961, 1244, 1600, 1814 to 1816, 2405 to 2410, 3331, 3332, 3660, 3665, 4302, 4447 to 4546, 4647, 5344, 5345, 5457 to 5459, 5473 to 5483, 6348, 6596, 6693, 7670, 7671, 7841, 8382 to 8388, 8445, 8446, 8767 to 8768, 8777, 9115, 9757 of **2014**, 438 and 5424 of **2015**, 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 27.9.2006, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the Chandigarh Administration sought to acquire 167.55 acres of land situated in the revenue estate of village Maloya, Hadbast No.13, Union Territory, Chandigarh, for rehabilitation of Slum Dwellers in village Maloya. Notification under Section 6 of the Act was issued on 21.9.2007. The Land Acquisition Collector (for short, 'the Collector') vide award no. 597 dated 18.9.2009 assessed the market value @ ₹ 30,50,362/- 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 @ ₹ 58,56,000/- per acre. This award has been impugned in the present set of appeals.

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. The same is abutting the boundary of State of Punjab. New Grain Market is also located in the close vicinity of the acquired land for which notification under Section 4 of the Act was issued on 24.3.1983. New Transport area is also located near the acquired land, besides the Institutional Zones. For the purpose of assessment of compensation, applying a cut of four months, the learned Court below placed reliance upon award pertaining to acquisition of land in village Maloya for Modern Terminal Market, Sector-39, Chandigarh, for which notification under Section 4 of the Act was issued on 8.1.2007. In fact, no cut was required to be applied. He further relied upon the award pertaining to land acquired vide notification under Section 4 of the Act dated 30.1.2006, of village Dhanas, which was located though at a distance but close to the Punjab boundary going ahead from Sector 25, Chandigarh. 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 for the aforesaid acquisition of village Dhanas. The location of the land of acquisition in question is better than the land of village Dhanas.

On the other hand, learned counsel for the respondent submitted that just and fair compensation has been assessed by the learned Court below, which does not call for any interference by this Court.

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

For the purpose of assessment of compensation for the acquired land, the learned Court below placed reliance on earlier award of the reference Court pertaining to acquisition of land of village Maloya, for which notification under Section 4 of the Act was issued on 8.1.2007. The principle is not in dispute as no appeal has been filed by the Union Territory, Chandigarh. For the aforesaid acquisition, this Court in RFA No.

3495 of 2013 Vijay Kumar Bansal vs Union Territory, Chandigarh, decided today separately, assessed the compensation @ ₹ 91,80,000/- per acre. Both are located close to the boundary of Union Territory, Chandigarh, abutting the State of Punjab. Hence, in my opinion, the same can be made the basis for assessment of compensation for the acquired land in question. Accordingly, the landowners are granted compensation @ ₹ 91,80,000/- per acre. They shall also be entitled to all the statutory benefits available to them under the Act.

The appeals are disposed of accordingly.

06.10.2015
vs

(Rajesh Bindal)
Judge