

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

RFA No. 8184 of 2014 (O&M) and
Cross-Objection No. 92/CI of 2015

LR No. 176 of 5.10.2012

Date of decision : 15.10.2015

Greater Mohali Area Development Authority

..... Appellant

VS

Navjot Kaur and another

..... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Rakesh Gupta, Mr. Kamaljeet S. Mamrat, and
Mr. Karan Gupta, Advocates, for GMADA.

Mr. Naresh Kaushal, Advocate, for the landowners.

Mr. Amit Chaudhary, Additional Advocate General, Punjab.

Rajesh Bindal J.

This order shall dispose of RFA Nos. 8184, 6980 of 2014, 1003, 1005 to 1009 of 2015, and Cross Objection No. 92/CI of 2015, as the same arise out of common acquisition.

The landowners have filed the appeal and Cross-objections seeking enhancement of compensation for the acquired land, whereas by filing appeals, Greater Mohali Area Development Authority is seeking reduction thereof.

Briefly, the facts are that land situated in the revenue estate of Village Mauli Baidwan, Hadbast No.4, Tehsil and District Mohali, was sought to be acquired vide Notification dated 21.2.2000, issued under Section 4 of the Land Acquisition Act, 1894 (for short, the Act), by the State of Punjab for setting up of residential urban estate in the area of SAS Nagar (Mohali). It was followed by notification under Section 6 of the Act. The Land Acquisition Collector (for short, "the Collector") vide award no. 480 dated 7.5.2001, assessed the compensation for the acquired land @ ₹ 10,00,000/- per acre for the land abutting Sectors 66-69, ₹ 8,00,000/- per

acre for chahi and ₹ 7,00,000/- per acre for barani kind of land. The landowners did not file objections. However, after the other cases were decided by the Reference Court, the landowners filed application for redetermination of compensation under Section 28-A of the Act. On reference, the learned Court below while relying upon the judgment of this Court in RFA No. 3004 of 2006 Surjit Singh vs State of Punjab and another decided on 2.3.2009, assessed the compensation of the acquired land @ ₹ 19,85,700/- per acre. It is this award, which has been impugned by the parties before this Court.

Learned counsel for the landowners submitted that the issue involved in the present appeal is squarely covered by judgment of Hon'ble the Supreme Court in Civil Appeal No. 331 of 2014 Paramjit Panag and others vs State of Punjab decided on 15.1.2014 and this Court in Surjit Singh's case (supra).

Learned counsels for the State and Greater Mohali Area Development Authority did not dispute the aforesaid factual position. However, they submitted that the judgment of Hon'ble the Supreme Court is restricted to the appellants therein and should not apply to the present case. However, the contention is not tenable, as the landowners in the present case are pursuing their remedy, hence, are entitled to benefit of judgment of Hon'ble the Supreme Court.

Accordingly, for the reasons recorded in Paramjit Panag and Surjit Singh's cases (supra), the appeal and cross-objections filed by the landowners are allowed and the appeals filed by Greater Mohali Area Development Authority are dismissed.

15.10.2015
vs.

(Rajesh Bindal)
Judge