

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

Date of Decision: December 09, 2016

1. IOIN F.A.O.No.884 of 1989 (O&M)

Union of India

...Appellant

Versus

Kailasho Devi

...Respondent

2. IOIN F.A.O.No.885 of 1989 (O&M)

Union of India & others

...Appellants

Versus

Chhajju Ram & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

**Present: Mr.R.S.Longia, Advocate &
Mr.Pawan Kumar Longia, Advocate,
Senior Panel Counsel for Union of India-appellants.**

AMIT RAWAL, J. (Oral)

By this common order, I intend to dispose of two F.A.Os.No.884 and 885 of 1989 filed at the instance of the Union of India challenging the order dated 20.8.1988 passed by the Additional District Judge acting as an Arbitrator under the provisions of the Requisition and acquisition of Immovable Property Act, 1952 (for short "1952 Act"), whereby four petitions were consolidated as one case.

The land situated in Village Tahra was acquired by the Union of India for defence purposes vide notification dated 14.6.1971, published

in Punjab Government Gazette dated 2.7.1971 issued under Section 7 of 1952 Act. The description of the land given is as under:-

<u>Sr.No.</u>	<u>Name of land owners</u>	<u>Khasra No.</u>	<u>Area</u>
1.	Chhajju Ram, Budha Mal Sons of Badri	61/1/2	1-18
		64/2	5-17
		49	11-14
		54	8-15
		56	8-04
		57	15-02
		65/1/2	1-01
		65/2	3-10
		120	7-05
2.	Smt.Kailasho Devi widow of Vakilo	109	6-03
		110	<u>11-10</u>
			<u>18-06</u>
3.	Chain Singh son of Ramu son of Phangar	24/2	00-08
		45/2	<u>6-15</u>
			<u>6-18</u>
4.	Milkhi son of Sahibo son of Dittu, Joginder Singh son of Kashmiro	50	9-15
		51	14-13
		52	30-00
		53	9-11
			63-19

The compensation awarded by the Special Land Acquisition Collector was not accepted and the land owners sought the reference under the provisions of 1952 Act and the Court below was appointed as an Arbitrator. The Court below while entertaining the claim petitions of other residents of the village had awarded the compensation at the rate of ₹1000/- per kanal. However, during the course of the hearing and as well as the evidence brought on record regarding the judgment, i.e., judgment rendered by this Court Ex.R2, the compensation in respect of Village Jandwal was ₹350/- per kanal for banjar qadim and ₹600/- per kanal for barani and the same has been upheld by the Court below.

In my view, the judgment rendered by this Court awarding compensation, covered the matter and does not call for any interference. The factum of filing of cross-appeal at the instance of the land owners has not been disclosed or brought to the notice of this Court.

Accordingly, the order dated 20.8.1988 is upheld.

The stay granted by this Court on 18.8.1989 shall stand vacated.

Appeals stand dismissed.

December 09, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No