

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

CMs-8473-74-CI-2016 &
RFA No.185 of 1997
Date of decision: 28.07.2016

Satpal Sharma and another

... Appellants

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Naresh Kaushal, Advocate for the appellants.
Mr. KK Gupta, Addl. AG, Punjab.

ARUN PALLI J. (Oral)

CM-8473-CI-2016

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed subject to all just exceptions. Consequently, the LRs of late Satpal Sharma (appellant No.1), as depicted in para 2 of the application, are brought on record for the purpose of pursuing the present appeal only.

Amended memo of parties is taken on record.

CM-8474-CI-2016; and
RFA-185-1997

This is an application to dispose of the main case in terms of the order, dated 14.01.2011, rendered by this court in RFA No.3225 of 1992 – Satpal Sharma and another v. The State of Punjab.

Learned counsel for the applicants submits that earlier vide notification, dated 18.09.1985, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the land situated in village Mehmoodpur, Tehsil Kharar, District Rupnagar, was acquired by the State Government for construction of SYL canal. And, post decision of the Collector as also the reference court, in the appeals filed by the landowners i.e. RFA No.3225 of 1992, this court had assessed the market value of the

land that was chahi at ₹2,00,000/- per acre, ₹1,60,000/- per acre for barani and ₹1,20,000/- per acre for gair mumkin. It is contended that in the matter in hand, vide a subsequent notification, under Section 4 of the Act, issued on 09.11.1989, land situated in the same village i.e. Mehmoodpur, for the same purpose i.e. for construction of SYL canal, was acquired by the same department. Therefore, he submits that applicants are entitled to be awarded compensation in terms of the judgment, dated 14.01.2011, rendered by this court in Satpal Sharma's case (supra), but with 12% cumulative annual increase. Reliance is placed upon a decision of this court in Udho Dass v. State of Haryana, 2010)8) SCR 900.

Notice.

On the asking of the court, Mr. KK Gupta, Addl. AG, Punjab, present in court, accepts notice on behalf of the State.

Learned counsel for the respondent does not dispute the factual position, as set out above.

That being so, with the consent of the parties the main case is taken on board.

For, concededly in the matter arising out of the acquisition for the same purpose, vis-à-vis the land situated in the same village, and for the same department, this court in the case of Satpal Sharma's case (supra) had awarded compensation in the terms indicated above, therefore, applicants too shall be entitled to the same compensation. But, for the time difference between the two notifications i.e. 4 years and 2 months, in the wake of the decision of this Hon'ble Supreme Court in Udho Dass' case (supra), applicants shall also be entitled to 12% annual increase on cumulative basis, with all the statutory benefits as are admissible in law.

Appeal as also the CM, for disposal of the main case, are accordingly disposed of.

July 28, 2016
Rajan

(Arun Palli)
Judge

Whether speaking/reasoned: YES/NO

Whether reportable: YES/NO

