

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

**RFA No. 1269 of 2000
Date of decision: 04.08.2016**

State of Punjab

...Appellant

Vs.

Wiran Bai

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present : Mr. K. K. Gupta, Additional Advocate General, Punjab
for the appellant.

None for the respondent.

ARUN PALLI, J. (Oral)

Facts that are required to be noticed are limited.

Vide Notification, dated 12.12.1974, issued under Section 4 of the Land Acquisition Act, 1894 (*for short 'the Act'*), a land measuring 341.79 acres, situated within the revenue estate of Bathinda, was sought to be acquired for a third phase of Residential Urban Estate, Bathinda Town. Declaration under Section 6 of the Act was made on 02.01.1978. Land Acquisition Collector, vide award dated 23.03.1978, awarded different rates in view of the nature of the land that was acquired. However, while deciding the reference under Section 18 of the Act, Reference Court, vide award dated 19.02.1980, assessed the market value of the acquired land at a uniformed rate of ₹17/- per square yard.

Learned State counsel points out that in the appeals arising out of the same acquisition, learned Single Judge of this Court, vide order, dated 09.11.1981, rendered in RFA No. 1752 of 1980, enhanced the compensation from ₹17/- per square yard to ₹20/- per square yard. Resultantly, the land owners, in this case, moved an application before the Reference Court to review the award, dated 19.02.1980, and award compensation in terms of the decision dated 09.11.1981. Reference Court reviewed its earlier decision and awarded compensation @ ₹20/- per square yard, vide award dated 01.12.1999. This is how, the State is in appeal before this Court.

Learned State counsel submits that in fact the decision dated 09.11.1981, rendered by the learned Single Judge, in RFA No. 1752 of 1980, vide which the compensation was enhanced to ₹20/- per square yard, was assailed by the State in LPA No. 698 of 1982. And, vide order and judgment dated 22.07.1983, the LPA Bench accepted the appeal and set aside the order dated 09.11.1981 passed by the learned Single Judge. Consequently, the original award of the Reference Court, vide which the compensation was assessed @ ₹17/- per square yard, was restored. Therefore, he submits that in the wake of the decision, dated 22.07.1983, rendered by the LPA Bench of this Court, the award that has been assailed in this appeal is required to be modified.

None has caused appearance on behalf of the respondent.

In conspectus of the position as set out above, the award dated 01.12.1999 is partly set aside. For, respondent-landowner shall be entitled to compensation @ ₹17/- per square yard, in terms of the decision, dated

22.07.1983, rendered in LPA No. 698 of 1982.

Appeal is disposed of in the above terms.

August 04, 2016
Ansari

(ARUN PALLI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>