

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

**RFA No. 4349 of 2007 (O&M)
Date of decision: 2.2.2016**

Sohan Lal and others

.. Appellants

Vs.

Union Territory, Chandigarh through Land Acquisition Collector,
Sector 17, Chandigarh

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Phool Chand Dhiman, Advocate
for the appellants.

Mr. Anoop Kumar Yadav, Advocate for
Mr. Amit Arora, Advocate
for the respondent- U.T. Chandigarh.

1. Whether reporters of local papers may be allowed to see the judgment? YES/NO
2. To be referred to the reporters or not? YES/NO
3. Whether the judgment should be reported in the digest? YES/NO

RAMESHWAR SINGH MALIK, J. (Oral)

This batch of 16 regular first appeals, out of which 8 have been filed by the landowners bearing RFA Nos. 4349, 4354 to 4357, 4475 of 2007, RFA No. 356, 357 of 2008 and 8 have been filed by the U.T. Chandigarh bearing RFA Nos. 1981 to 1988 of 2008, is being decided together, as all these appeals arise out of the same

acquisition raising identical question of law and facts. However, with the consent of learned counsel for the parties and for the facility of reference, facts are being culled out from RFA No. 4349 of 2007 (Sohan Lal and others Vs. U.T. Chandigarh and others).

Facts of the case are hardly in dispute. The Chandigarh Administration sought to acquire land measuring 28.42 acres by invoking the urgency clause under Section 17 of the Land Acquisition Act 1894, ('the Act' for short), at public expenses for public purpose; namely for Pumping of Dredged Slurry. Accordingly, notifications under Section 4 and 6 of the Act came to be issued on the same date, i.e. 24.10.2000. The Land Acquisition Collector, vide his award No. 545 dated 23.7.2001, granted compensation to the landowners @ ₹6,90,240/- per acre. Dissatisfied, landowners filed their objections under Section 18 of the Act and as a consequence thereof, 8 land references were forwarded to the learned reference court, who decided the same vide common award dated 22.8.2007, enhancing the compensation to the tune of ₹17,46,000/- per acre at flat rate.

Both the parties felt aggrieved against the award passed by the learned reference court. As a consequence, landowners have filed 8 appeals seeking further enhancement in the compensation, whereas 8 appeals have been filed by the U.T. Chandigarh, seeking reduction in the compensation awarded by the learned reference court. That is how, all these 16 appeals are being decided together.

Having heard learned counsel for the parties at

considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that appeals filed by the U. T. Chandigarh are liable to be dismissed whereas appeals filed by the landowners deserve to be partly allowed, for the following more than one reasons.

It is a matter of record that learned reference court relied upon earlier award dated 24.4.2007 passed in LAC No. 263 of 15.8.2003/25.2.2005 titled as Harmohan Singh Dhawan and another Vs. U.T. Chandigarh, for the purpose of assessing the market value.

Learned counsel for the parties are ad idem that except time gap of few months, there was no other distinguishing feature between the present set of appeals and the abovesaid case of Harmohan Singh Dhawan. Since this Court has already decided three connected appeals vide separate order passed today in RFA No.2750 of 2007 (Harmohan Singh Dhawan and another Vs. Union Territory, Chandigarh), holding the landowners entitled to receive compensation of ₹25,87,150/- per acre for their acquired land, there is no reason for treating this batch of appeals differently. It is so said because the appeals in hand have been found squarely covered by the order passed by this Court in abovesaid RFA No. 2750 of 2007. Since time gap was of only few months, the same deserves to be ignored.

No other argument was raised.

Considering the peculiar facts and circumstances of the

case, coupled with the reasons aforementioned, this Court is of the considered view that appeals filed by the U.T. Chandigarh having been found wholly misconceived, bereft of merit and without any substance, are liable to be dismissed and the same are hereby dismissed. Appeals filed by the landowners are allowed to the extent indicated hereinabove and the landowners are held entitled to receive compensation @ ₹25,87,150/- per acre for their acquired land from the date of notification under Section 4 of the Act. Besides this, the land owners shall also be entitled for all other statutory benefits available to them under the Act.

Resultantly, with the observations made above, all these appeals stand disposed of in the abovesaid terms, however, with no order as to costs.

**(RAMESHWAR SINGH MALIK)
JUDGE**

2.2.2016
AK Sharma