

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

**RFA No. 1901 of 2008 and other connected matters
Date of decision: 18.01.2016**

Ashok Kumar Sharma

... Appellant

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Naresh Kaushal, Advocate
for the appellant(s) (in RFA Nos.1901, 2902, 795, 1894, 1900,
1906, 1949, 1950, 2658 of 2008)

Mr. Vijay Lath, Advocate and
Mr. Naveen Sharma, Advocate
for the appellant(s) (in RFA Nos.3097, 3098, 3754, 4564, 4855,
4856 of 2008).

Mr. J.S. Khattar, Advocate for
Mr. Deepak Sharma, Advocate,
for the appellant(s) (in RFA No.2824 of 2013)

Dr. Surya Parkash, Advocate and
Mr. Varlin, Advocate
for the appellant(s) (in RFA Nos.2279 of 2011)

Mr. H.N.S. Gill, Advocate
for the appellants (in RFA No.6924 of 2011)

Mr. Hardip Singh, Advocate
for the appellants (in RFA No.5459 of 2011)

Mr. Amit Chaudhary, Addl. AG, Punjab.

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.

These 34 appeals bearing Regular First Appeals Nos.1901, 2902,

3097, 3098, 3754, 4153 to 4160, 4162, 4564, 4855, 4856, 1894, 1900, 1906, 1949, 1950, 2658, 4147 to 4152 of 2008, 795 of 2009, 5459, 6924, 2279 of 2011 & 2824 of 2013, arising out of the same acquisition, are being decided together vide this common order, as these appeals raise identical questions of law and facts. Out of these 34 appeals, 15 RFAs have been filed by the State and 19 have been filed by the land owners, whereas one land owner has filed cross-objection bearing No.122-CI of 2008 in RFA No.4154 of 2008.

However, with the consent of learned counsel for the parties and for the facility of reference, facts are being culled out from RFA Nos.1901 of 2008 (Ashok Kumar Sharma Vs. State of Punjab), RFA No.2279 of 2011 (Smt. Surinder Kaur and State of Punjab), RFA No.1894 of 2008 (Parmeshwari Devi Vs. State of Punjab), RFA No.1900 of 2008 (Vijay Kumar Vs. State of Punjab), RFA No.1950 of 2008 (Dr. Rajinder K. Sharma Vs. State of Punjab) & RFA No.6924 of 2010 (Rattan Chand and others Vs. State of Punjab), as these cases have different facts regarding superstructure.

Brief facts of the case are that State of Punjab sought to acquire the land measuring 1022 bigha, 18 biswa, out of the revenue estate of Village Siswan, Tehsil Kharar, District Ropar at the public expense for public purpose i.e. for construction of reservoir for Siswan dam. Accordingly, notification dated 02.08.2001 was issued under Section 4 of the Land Acquisition Act, 1894 ('the Act' for short), which was followed by notification dated 17.08.2001 issued under Section 6 of the Act. Vide his award No.1 dated 09.04.2003, Land Acquisition Collector granted Rs.1,65,000/- per acre for Chahi land, Rs.1,30,000/- per acre for Barani land and Rs.40,000/- per acre for Gair Mumkin land.

Not being satisfied, land owners filed their objections under Section 18 of the Act and as a consequence thereof, references were forwarded to the learned reference Court. The learned reference Court vide different identical awards enhanced the compensation for the acquired land, granting the same at the uniform rate of Rs.4,28,000/- per acre. Both the parties felt aggrieved. That is how, all the appeals filed by the State as well as by the land owners are being decided together.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that so far as the appeals filed by the State of Punjab are concerned, the same have been found bereft of any merit, thus, liable to be dismissed. However, the appeals filed by the land owners as well as the cross-objection filed by one land-owner deserve to be partly allowed, for the following more than one reasons.

A bare reading of the impugned award passed by the learned reference Court would show that the potential value of the acquired land, owing to its location has not been considered and appreciated in the correct perspective. The site plan Ex.PW1/C, available at page 23 of the lower Court record, would show that the land which was sold vide Ex.P23 dated 19.04.1996 forms part of the acquired land. In such a situation, although the sale deeds Ex.R1 and Ex.R2 produced by the State of Punjab, being near to the date of notification under Section 4 of the Act, were also worth taking into consideration, yet the land owners were entitled for a reasonable increase in the compensation awarded for their acquired land. It is so said because if any sale

deed pertains to the acquired land itself was available, there could not be any better piece of evidence than such a sale deed. In the present case, it was Ex.P23 and the market value depicted therein was Rs.5,40,000/- per acre. Thus, the learned reference Court was justified in taking the average of all these three sale deeds i.e. Ex.P23, Ex.R1 and Ex.R2 produced on record by both the parties.

However, the learned reference Court has misdirected itself, while not giving any benefit to the land owners about the location of the land, as noticed hereinabove. It is a matter of record that the acquired land was situated very close to Chandigarh. Many industrial, residential and commercial sites were very close to the acquired land. Besides this, Ex.P23 was forming part of the acquired land itself. In such a situation, the land owners were entitled to receive the best price for their acquired land, which was reflected in the sale deed Ex.P23 and land thereunder was sold at the rate of Rs.5,40,000/- per acre. The oral as well as documentary evidence including the site plan have gone undisputed in this regard, which also speaks volumes in favour of the land owners.

Keeping in view the totality of facts and circumstances of the cases in hand, noticed hereinabove and taking a holistic view of the matter to do complete and substantial justice between the parties, this Court is to apply some guess work as well. It is so said because it was a prime location, so far as the potential value of the acquired land is concerned. In this view of the matter, this Court is of the considered view that it would be just and reasonable to enhance the market value of the acquired land from Rs.4,20,000/- per acre to Rs.5,00,000/- per acre because as per the sale deed Ex.P23, the market value of

the land was Rs.5,40,000/- per acre even without any increase. The date of sale deed Ex.P23 was 19.04.1996, whereas the land in these cases came to be acquired vide notification dated 02.08.2001 under Section 4 of the Act. Thus, the land owners in all these cases are held entitled to receive the compensation for their acquired land at the rate of Rs.5,00,000/- per acre, from the date of notification under Section 4 of the Act.

Now the individual cases are being taken up for the purpose of assessing the market value of the trees including the fruit bearing trees as well as existing structure on the acquired land.

RFA No.2279 of 2011 (Smt. Surinder Kaur and State of Punjab)

Learned counsel for the appellant-land owner placed reliance on two reports prepared and duly proved by horticulture expert Jasbir Singh, Deputy Director Horticulture, Punjab (Retd.). In fact, Jasbir Singh PW1 prepared three reports in the form of Ex.P1, Ex.P2 and Ex.P3, which are available on lower Court record ('LCR' for short) from page 33 to 49. This witness was put to detailed cross-examination which is available from page 11 to 14 of the LCR. When this PW1 Jasbir Singh was put to a lengthy cross-examination, he successfully stood the acid test thereof and the respondent-State could not elicit anything adverse from this witness. State of Punjab also produced its expert witness as RW2 Rajender Singh, whose statement is available on the LCR. His report Ex.RW2/A is available at page 82 of the LCR and page 46 of the paper book of the instant appeal. In addition to these two reports proved on record by the experts, there was another report prepared by Sukhchain Singh, Halqa Patwari vide Annexure P-6 at page 87 of the LCR and translated copy thereof is available at page 39 of the paper book.

So far as number of total trees is concerned, the report furnished by PW1 Jasbir Singh and the report furnished by the Halqa Patwari tally with each other so far as these two reports pertain to the trees which got submerged in the water. Rajender Singh RW2 has altogether ignored the number of trees submerged in the water and for no good reasons. So far as the thousands of ornamental plants in the nursery were concerned, Halqa Patwari also proceeded on wholly misconceived and factually incorrect approach, while not recording the number of trees in his report. However, existence of an already fully developed nursery was not in dispute and this fact has gone undisputed throughout.

With a view to compare the genuineness and authenticity of both the reports prepared by these two experts namely Jasbir Singh PW1 and Rajender Singh RW2, reports Ex.P1, Ex.P2 and Ex.P3 duly proved by Jasbir Singh PW1 have been found to be more meticulous, authentic, factually correct and also as per the record. It is so said because PW1 Jasbir Singh has followed the undisputed Nijjar formula very meticulously, whereas Rajender Singh RW2 has failed to assign any reason, whatsoever, as to why he did not take into consideration the hundreds of trees, which had submerged in the water because of the negligence of the department, who did not care to take any remedial measures to stop leakage of water in the land of the appellant, at the time of construction of Siswan dam. In fact, construction of Siswan dam had started about four years earlier when the notification under Section 4 of the Act came to be issued.

Appellant had been repeatedly approaching the department, including by the letter dated 23.08.1999 available at page 85 of the LCR,

requesting for taking immediate necessary steps so as to avoid imminent danger to the fully grown fruit bearing orchard and nursery developed by the appellant. Unfortunately, no action, whatsoever, was taken by the State for the reasons best known to it. In the process of construction of Siswan dam, hundreds of fruit bearing trees and thousands of ornamental plants, existing in the orchard and nursery of the appellant, came to be submerged in the water and got destroyed. Fortunately, number of these fruit bearing trees and ornamental plants in the orchard and nursery owned by the appellant, had come in the report prepared by the Halqa Patwari and Jasbir Singh PW1. It seems that when the repeated requests made by the appellant to the department fell on the deaf ears, she was left with no other option except to avail the services of horticulture expert namely PW1 Jasbir Singh. This witness has categorically proved that he visited the site thrice. He has duly proved all the three visits conducted by him at the site in chronological order, with a view to arrive at the calculations for assessing the value on the basis of Nijjar formula.

Coming to the credibility of this witness, he has been found to be a man of integrity at earlier points of time as well. There are judgments of this Court, available on record in the form of Ex.P8 and Ex.P9 from pages 61 to 75 of the LCR, wherein similar reports prepared and proved by this very witness Jasbir Singh PW1 were accepted by this Court, preferring the same over and above the reports furnished by the officers of the department.

Relevant observations made by this Court in its judgment dated 07.07.2006 in **RFA No.114 of 1996 (Gurpal Singh and another Vs. The State of Punjab)**, which can be gainfully followed in the present case, read as under: -

*“I have heard the counsel for the appellants and counsel for the State. Counsel for the appellants has submitted that the Reference Court was not justified in ignoring the report of Expert Jasbir Singh examined as AW1 on behalf of the appellants. As per the counsel, the said witness was required to be believed for the purpose of determining the compensation because he had also been believed by the Court in the case of **Dial Singh Vs. State** decided on 25.1.1994. This judgment was exhibited as Ex.A.7. This judgment was given in a case arising out of the same notification and hence to ensure parity, the similar compensation on the basis of assessment made by Jasbir Singh was required to be awarded. He has also drawn my attention to a judgment passed in R.F.A. No.895 of 1995 decided by this Court on 6.4.2005 wherein the evidence of said Jasbir Singh examined as an Expert in the said case has been relied upon and compensation accordingly enhanced. In this judgment, it is noticed that Jasbir Singh has retired as Deputy Director Horticulture, Punjab. He had carried out the inspection of the trees and then given the valuation statement by applying Dr. Nijjar's formula which was evaluated in the year 1985. In this case, the State had also relied upon the report of the Bhagwant Singh but the report of Jasbir Singh was said to be justified for assessment of the compensation by this Court. The relevant observation of this Court in R.F.A. No.895 of 1995 is as follows: -*

“With regard to the assessment, it is apparent that there is

no justification to disbelieve the report of Jasbir Singh (AW.2) and his statement in the witness-box. The aforesaid valuation report and the statement have given good reasons for assessment on the basis of well recognized formula. The Reference Court should have accepted the aforesaid report.”

*Learned counsel appearing on behalf of the State, however, could not address any meaningful argument and submitted before me that he was handicapped as his brief was not complete. He had sought adjournment on this ground which was declined. It was pointed out to him that the question in this case was only to see if the evidence of Jasbir Singh AW1 had been rightly or wrongly ignored by the Reference Court in view of the fact that the said report has been relied upon by this Court in R.F.A. No.895 of 1995 and also Annexure A.7 in the case of **Dial Singh Vs. State**. The State Counsel still prayed for adjournment, which was declined.*

The Reference Court, in my view, has not given any justifiable reason to ignore the report of Jasbir Singh AW1 specially so when the Court itself found that report of Bhagwant Singh had not taken valid aspects into consideration while rendering his report. Admittedly, the report given by Bhagwant Singh was found suffering from infirmity of not evaluating the trees having regard to its value as fuel and timber. Though, this drawback was corrected while awarding the compensation but said justification given by the Reference Court for ignoring the

report of Jasbir Singh that he was a private expert cannot be said to be legally valid. This is required to be appreciated in the background of another angle that the report of the same very witness in a claim arising out of same very notification was relied upon by the Reference Court. This aspect was brought in evidence by the claimant before the Court. In view of this background, I find that preference given to the report of Bhagwant Singh over the report of Jasbir Singh is not justified. If this report has been taken as valid one for assessing the compensation for trees in a case arising out of the same notification, then ignoring the same for assessment of compensation in the present case may lead to discrimination. Further this Court has also preferred the report of Jasbir Singh as already noted above.”

As noticed hereinabove, when both the reports of these experts namely PW1 Jasbir Singh and RW2 Rajender Singh are minutely compared with each other, no room for doubt is left, that the reports prepared by PW1 Jasbir Singh are more meticulous, well reasoned, based on true facts and deserve to be preferred over and above the report prepared by RW2 Rajender Singh. It is so said because the report prepared by RW2 Rajender Singh seems to be based on a casual approach. He did not assign any reason, whatsoever, as to why he was not assessing the value of 690 kinnu (fruit bearing) trees for all the 25 years of fruit bearing age. Similar was the position regarding many other fruit bearing trees. When confronted with this fact situation, learned counsel for the State had no answer and rightly so, it being a matter of record. In such a situation, it would be very dangerous to place reliance on such a report, which

makes no head or tail nor this witness has followed the undisputed and established formula, for making the assessment of value of fruit bearing trees, which is known as Nijjar formula.

So far as the findings recorded by learned reference Court in this regard are concerned, bare perusal of para 9 of the impugned award would show that the learned reference Court has gone completely wrong on facts as well as in law. A serious error of law was committed by the learned reference Court, while misreading the clinching evidence available in favour of the land owners. As noticed hereinabove, although PW1 Jasbir Singh was put to detailed cross-examination, but nothing adverse could be elicited from him and he successfully stood the acid test of cross-examination. He had not only meticulously followed the Nijjar formula, while preparing his reports Ex.P1, Ex.P2 and Ex.P3 but has also taken care of the minute details of the number of trees, their age and other relevant factors for assessing the value thereof, whereas RW2 Rajender Singh has caused serious violations to the Nijjar formula on all the material aspects, while preparing his report. In such a situation, the patently illegal findings recorded by the learned reference Court in this regard, cannot be sustained.

Once the expert reports Ex.P1, Ex.P2 and Ex.P3 prepared and duly proved by the expert witness PW1 Jasbir Singh, this Court has found no reason to disbelieve this expert witness, particularly when the credibility of this witness has already been established on record earlier as well, as this Court had already given preference to his reports over and above the reports prepared by experts of the department. In such a situation, it can be safely concluded that the reports prepared by PW1 Jasbir Singh deserve to be accepted in toto and the

land owner would be entitled for the compensation for all the fruit bearing trees, existing in her orchard at the time of acquisition and also for the ornamental plants existing in the nursery.

The value arrived at for the fruit bearing trees, which came to be submerged in the water from a part of the orchard of the appellant, and ornamental plants in the nursery, is Rs.1,13,25,900/- as per the report Ex.P2, available at pages 47 and 48 of the LCR. Similarly, as per the report Ex.P3 available at page 49 of the LCR, value arrived at by PW1 Jasbir Singh for the fruit bearing trees, which were not found submerged in the water, was Rs.1,03,61,900/-. Although in the given fact situation of this case, the appellant might have been entitled for damages as well, yet since no evidence as such has been led by the appellant on the record of the case, she would be entitled only for the value arrived at by the expert in both of his reports Ex.P2 and Ex.P3. So far as the State is concerned, it cannot seek any benefit out of its own wrong. Negligence on the part of the State is writ large, because of which hundreds of fruit bearing trees were submerged in the water.

After giving a thoughtful consideration to the peculiar facts and circumstances of the case, noticed in the forgoing paragraphs, this Court is of the considered view that appellant is entitled to receive the compensation for her fruit bearing trees as well as ornamental plants strictly in accordance with these two reports Ex.P2 and Ex.P3. The total amount of Ex.P2 and Ex.P3 comes to Rs.2,16,87,800/- and the appellant is entitled to receive the same from the date of notification under Section 4 of the Act. In addition, the appellant shall also be entitled for all other statutory benefits available to her under the relevant provisions of the Act.

RFA No.1894 of 2008 (Parmeshwari Devi Vs. State of Punjab)

RFA No.1900 of 2008 (Vijay Kumar Vs. State of Punjab)

RFA No.1950 of 2008 (Dr. Rajinder K. Sharma Vs. State of Punjab)

Learned counsel for the parties are ad idem that same set of evidence was relied upon in all these three appeals. They submit that the same expert reports prepared by the same witness were relied upon by the land owners for claiming the compensation for the trees including the fruit bearing trees, which were standing on their land at the time of acquisition. This statement made by learned counsel for the appellants-land owners has not been controverted by learned counsel for the State as well. The number of trees including fruit bearing trees in all these three cases are not in dispute. Similarly, the age of the trees is also not in dispute. On these aspects, reports proved on record by the expert witness of the appellants-land owners as well as the report produced by the expert on behalf of the State also tally with each other.

However, on perusal of both the expert reports produced on record by the parties, this Court is of the considered opinion that since the report prepared by PW1 Jasbir Singh has been found to have been prepared meticulously following the Nijjar formula on all the determinative factors, this report deserves to be preferred over and above the report produced by RW1 Tarlochan Singh. It is so said because RW1 has failed to take into consideration the relevant parameters based on Nijjar formula, for the purpose of assessing the value of trees. Further, there is no contrary evidence available on record nor any such has been pointed out by learned counsel for the State. In this view of the matter, this Court has found no reason to disbelieve the valuation report prepared and duly proved by PW1 Jasbir Singh in all these three cases as well.

In view of the above, the expert report prepared by PW1 Jasbir

Singh as Ex.P2 in each of these three cases, deserves to be accepted as it is and the same is accordingly accepted. Consequently, the land owners are entitled to receive the compensation for the trees including the fruit bearing trees as per the respective reports in the form of Ex.P2 in their cases produced by PW1 Jasbir Singh. Accordingly, Smt. Parmeshwari Devi in land reference No.72 and RFA No.1894 of 2008 is held entitled to receive the compensation, as assessed by PW1 Jasbir Singh, for her trees including the fruit bearing trees standing on her land at the time of acquisition at the rate of Rs.9,54,200/-. Vijay Kumar in land reference No.74 and RFA No.1900 of 2008 is held entitled to receive the compensation, as assessed by PW1 Jasbir Singh, for his trees including the fruit bearing trees standing on his land at the time of acquisition at the rate of Rs.6,80,500/-. Similarly, Dr. Rajinder K. Sharma in land reference No.77 and RFA No.1950 of 2008 is held entitled to receive compensation, as assessed by PW1 Jasbir Singh, for his trees including the fruit bearing trees at the rate of Rs.84,89,800/- 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 relevant provisions of the Act.

RFA No.4855 of 2008 (Onkar Singh Vs. Punjab State and another)

In this case also number of trees including fruit bearing trees which were standing in the land of the appellant-land owner at the time of its acquisition, are not in dispute. Expert report by PW7 Jasbir Singh has been duly proved on record in the form of Ex.PW7/B. In this case, no contrary expert report has been produced by the State. A bare perusal of the impugned award passed by the learned reference Court would show that the learned reference Court fell in serious error of law, while ignoring this expert report which has

been duly proved on record. This witness was subjected to detailed cross-examination, as in the abovesaid cases. He successfully stood the acid test, as nothing adverse could be elicited from him. In this view of the matter, this Court has found no reason to disbelieve the expert report Ex.PW7/B available from pages 74 to 83 of the LCR. Accordingly, the land owner in this case is held entitled to receive the compensation for his trees including the fruit bearing trees as per the report Ex.PW7/B i.e. for an amount of Rs.6,41,300/-. It is so said because the authenticity and genuineness of this report has gone unrebutted on record.

Coming to the superstructure, it is undisputed on record that there were two tubewells in the acquired land of the appellant and the Land Acquisition Collector granted an amount of Rs.74,221/- for both the tubewells. This amount of compensation for both the tubewells was not further enhanced by the learned reference Court.

After going through the valuation reports in the form of Ex.PW2/A to Ex.PW2/E and in view of the totality of facts and circumstances of the case, this Court is of the considered view that the appellant-land owner would be entitled for an amount of Rs.1,00,000/- per tubewell, because granting any lesser amount would be wholly inadequate. Although the expert, who was different than abovesaid Jasbir Singh, has prepared the valuation reports on much higher side for both these tubewells but the said reports seem to be unrealistic. Coming to the compensation for building sheds and other superstructure on the acquired land, valuation report for an amount of Rs.1,39,540/- has been proved on record in the form of Ex.PW2/E. Land Acquisition Collector granted an amount of Rs.41,240/- and it was not further

enhanced by the learned reference Court.

After hearing learned counsel for the parties and looking into the built-up area including the kind of superstructure, it would be just and expedient to grant an amount of Rs.1,30,000/- to the appellant-land owner for his building sheds including every kind of superstructure.

Learned counsel for the appellant has pointed out that in addition to the abovesaid fruit bearing trees, there was another report pertaining to non-fruit bearing trees prepared by another expert PW1 Balwant Singh in the form of Ex.PW1/C, which is a detailed report running into three pages available from pages 38 to 40 of the LCR. Number of trees pointed out by this witness at the end of his report at page 40, are as under: -

Shisham 40 number of trees

Kikar 25 number of trees

Eucalyptus 50 number of trees

Poplar 320 number of trees

Khair 150 number of trees

The value assessed by this expert for Shisham trees was Rs.21.50 per tree and after multiplying it by 40, the value comes to Rs.860/-. For Kikar trees, he has assessed the market value at Rs.15.15 per tree and after multiplying by 25, total value comes to Rs.378.75. Similarly, for Eucalyptus trees, he has assessed the market value at Rs.19.60 per tree and after multiplying by 50 for first crop, it would come to Rs.980/- and again for the second crop, same value of Rs.980/- would come and total amount would be Rs.1960/-.

Again, he has assessed the market value of Poplar trees at Rs.46.60

per tree and after multiplying the same with 320 for first crop, the amount comes to Rs.14,912/-. The same amount would be added for the second crop and the total amount comes to Rs.29,824/-. He has assessed the market value of Khair trees at the rate of Rs.30.80 per tree and after multiplying this figure by 150, the amount comes to Rs.4620/-. The total market value assessed for all the abovesaid trees comes to Rs.53,534.75/- which is rounded off to Rs.53,535/-. Neither there is any contrary evidence led by the State in this regard nor the genuineness or authenticity of this report has been doubted. Accordingly, there is no reason to disbelieve this report duly proved on record and the land owner is held entitled to receive the amount of Rs.53,535/- as compensation for his trees of abovesaid categories.

RFA No.6924 of 2011 (Rattan Chand and others Vs. State of Punjab)

In this case, the only argument raised by learned counsel for the appellants-land owners is based on the reports Ex.PW2/B and Ex.PW2/C, which pertain to 1188 non-fruit bearing trees. This piece of evidence was duly proved on record by the expert witness Balwant Singh PW2. It is very pertinent to note here that as per the zimini order passed by the learned reference Court on 16.04.2008, State of Punjab was proceeded ex parte, as none put appearance despite service. This seems to be the reason that when this expert witness PW2 Balwant Singh appeared in the Court and was examined, he was not put to any cross-examination, because the State had already been proceeded ex parte. Thus, the valuation report for the non-fruit bearing trees prepared and duly proved by this expert witness PW2 Balwant Singh has gone unrebutted on record.

The amount for the non-fruit bearing trees arrived at by this expert

witness was Rs.10,94,046.70. The reports Ex.PW2/B and Ex.PW2/C are available on the LCR from pages 25 to 36. However, a bare perusal of the impugned award passed by the learned reference Court would show that the learned reference Court fell in serious error of law, while not accepting the valuation report prepared by this expert witness, in spite of the fact that this relevant piece of evidence has gone unrebutted on record. In this view of the matter, this Court has found no reason to disbelieve this expert witness and his reports. Close perusal of the expert reports prepared by PW2 Balwant Singh would show that he has taken into consideration all the relevant determinative factors, while assessing the market value of the trees which were 1188 in number. Accordingly, the land owners-appellants are held entitled to receive the compensation for their trees which were standing on their acquired land on the date of its acquisition at Rs.10,94,046.70, which is rounded off to Rs.10,94,050/-. In addition to this, the land owners shall also be entitled for all the statutory benefits available to them, under the relevant provisions of the Act.

No other argument was raised by either side.

Considering the totality of facts and circumstances of the cases noted above, coupled with the reasons aforementioned, this Court is of the considered view that the appeals filed by the State of Punjab have since been found misconceived, bereft of merit and without any substance, must fail and the same are hereby dismissed. The appeals filed by the land owners-appellants deserve to be partly accepted and the same are hereby allowed to the extent indicated above.

The land owners are held entitled to receive the compensation at

the rate of Rs.5,00,000/- per acre for their acquired land, from the date of notification under Section 4 of the Act. Similarly, the land owners are held entitled to receive the compensation for their fruit bearing trees, non-fruit bearing trees, tubewells and other superstructure, in the abovesaid terms, from the date of notification under Section 4 of the Act. Besides this, the land owners shall also be entitled for all the statutory benefits available to them, under the relevant provisions of the Act.

Resultantly, with the observations made above, all these 34 appeals stand disposed of, in the abovesaid terms, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

18.01.2016
vishnu