

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CWP-18950-2016
Date of Decision: September 14, 2016

Competent Authority GAIL (India) Ltd.

.....Petitioner

Versus

Gurcharan Singh and others

.....Respondents

2. CWP-19016-2016

Competent Authority GAIL (India) Ltd.

.....Petitioner

Versus

Uggar Singh and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.B.S.Jolly, Advocate
for the petitioner.

.....

SURYA KANT, J.

[1] This order shall dispose of CWP Nos.18950 of 2016 (**Competent Authority GAIL (India) Ltd. Vs Gurcharan Singh and others**) and 19016 of 2016 (**Competent Authority GAIL (India) Ltd. Vs Uggar Singh and others**) as the orders under challenge in both these petitions though are of different dates but the substance is same. For brevity, the facts are being extracted from CWP No.18950 of 2016.

[2] GAIL is aggrieved by the award dated 25.09.2015 passed by learned Additional District Judge, Bathinda, under Section 10(5) of the Petroleum and Mineral Pipelines (Acquisition of Rights of User in Land) Act

1962 (for short, 'the 1962 Act') whereby the market value of the land has been enhanced from Rs.20 lacs per acre to Rs.32 lacs per acre with a direction to the petitioner to pay compensation @ 10% of such assessed value of the land.

[3] The facts are not in dispute. Land measuring 7K 1M owned by the respondent within the revenue estate of village Ganga, Tehsil and District Bathinda has been acquired by the petitioner -GAIL India Limited for laying down 'Gas Pipeline' known as 'Dadri-Bhawna-Nangal Gas Pipeline'. The petitioner assessed the market value of the land as Rs.20 lacs per acre.

[4] The Act contemplates payment of compensation to the affected owner @ 10% of the assessed market value of the land.

[5] The respondent-farmer felt dis-satisfied with the assessment of market value of his land and moved an application under Section 10 of the 1962 Act for enhancement of compensation. Learned Additional District Judge formulated the issue as to what was the market value of the land used by petitioner-GAIL for laying Gas Pipeline? While answering that question the learned Court has relied upon documentary as well as oral evidence and has held that the market value of the land at the relevant time was not less than Rs.32 lac per acre. One of the material piece of evidence which the Court has relied upon is the report of Tehsildar, who assessed the value of land @ Rs.32 lacs per acre. That report was produced by the petitioner-GAIL and is exhibited R1.

[6] We have heard learned counsel for the petitioner and are of the considered view that the finding of fact returned by learned Additional District Judge on appreciation of the evidence on record does not warrant any interference. The plea that collector rate of the land is Rs.20 lac per acre does

not impress us for the reason that collector rate is not a sacrosanct declaration of actual value which the Court must accept on its face value. The land owner is always entitled to establish by way of evidence that the actual market value of his land is much more than the Collector's rate. In the instant case it has been done by the respondent by leading oral as well as documentary evidence especially when the petitioner itself relied upon the report Ex.R1, according to which the market value of the land at the relevant time was Rs.32 lac per acre.

[7] In this view of the matter, coupled with limited scope of interference in a finding of fact in writ proceedings, we are satisfied that the orders under challenge warrant no interference.

[8] Dismissed.

(SURYA KANT)
JUDGE

September 14, 2016
meenuss

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No