

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

**RFA No. 1525 of 2009 (O&M)
Date of decision: 2.2.2016**

Balak Ram 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. Vishal Sodhi, Standing Counsel
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)

These four regular first appeals bearing RFA Nos. 1525 to 1527 and 1590 of 2009, are being decided together vide this common order, as all these appeals are arising out of the same acquisition and raise identical questions law and facts. However, with the consent of learned counsel for both the parties and for the facility of reference, facts are being culled out from RFA No. 1525 of 2009

(Balak Ram and others another VS. Union Territory, Chandigarh).

With a view to acquire land measuring 48 kanals 2 marlas from village Kaimbwala, at public expenses for public purpose namely for drainage provision, for protection of the school and other buildings, extension of school, providing sports facilities and allied uses in village Kaimbwala, U.T. Chandigarh, notification under Section 4 of the Land Acquisition Act, 1894 ('the Act' for short) was issued on 17.11.2003 which was followed by notification dated 5.12.2003 issued under Section 6 of the Act. The Land Acquisition Collector, vide his award No. 566 dated 17.3.2004, granted the compensation to the landowners @ ₹7,92,320/- per acre for their acquired land. Dissatisfied, landowners filed their objections under Section 18 of the Act and as a consequence thereof, four land references were forwarded to the learned reference court, who decided the same vide common impugned award dated 8.1.2008, enhancing the compensation to the tune of ₹23,74,560/- per acre.

Feeling aggrieved against the impugned award passed by the learned reference court, landowners have approached this Court by way of these four appeals seeking further enhancement in the compensation. However, no appeal has been preferred by U.T. Chandigarh.

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 all these appeals filed by

the landowners deserve to be party allowed. To say so, reasons are more than one, which are being recorded hereinafter.

A bare perusal of the impugned award passed by the learned reference court would show that earlier award dated 22.8.2007 passed in LAC No. 1090 of 2003 titled as Harmohan Dhawan and another Vs. U.T. Chandigarh was made basis for assessing the market value.

Learned counsel for the parties are ad idem that except time gap of 2 years, 8 months and 15 days, present one being later acquisition, there was no other distinguishing feature between the present set of appeals and the abovesaid Harmohan Dhawan's case (supra), which has been decided by this Court vide separate order passed today in RFA No. 2750 of 2007 (Harmohan Singh Dhawan and another Vs. Union Territory, Chandigarh). This being the undisputed fact situation, this Court has found no reason to treat the landowners in these 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.

So far as time gap of 2 years, 8 months and 15 days is concerned, cumulative method of calculation is to be adopted for granting the benefit of time gap, in view of the law laid down by the Hon'ble Supreme Court in **Ashok Kumar and others Vs. State of Haryana and others, 2015 (3) Scale 242**. Thus, keeping in view the law laid down by the Hon'ble Supreme Court in **General Manager, Oil & Natural Gas Corporation Ltd. Vs. Rameshbhai Jivanbhai**

Patel & Anr. 2008 (14) SCC 745, granting 15% annual increase on the basis of cumulative method, landowners in these appeals would be entitled for compensation for their acquired land @ ₹ 37,84,866/- per acre which is rounded of to ₹37,84,870/-.

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 landowners deserve to be partly accepted and the same are allowed to the extent indicated hereinabove. The landowners are held entitled to receive compensation @ ₹37,84,870/- 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