

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

**RFA No. 3431 of 2011 (O&M)
Date of decision: 2.2.2016**

Rahul Inder Singh and another

.. Appellants

Vs.

Union Territory, Chandigarh through its Administrator, Sector 9, U.T.
Chandigarh & others

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Phool Chand Dhiman, Advocate
for the appellants
in RFA No. 3431 to 3433, 3511 to 3513, 6705 to 6714,
6115 of 2011, 6292, 7491 of 2012.

Mr. Naresh Kaushal, Advocate
for the appellants in RFA No.7895 of 2011
RFA No. 1675, 5383 of 2013.

Mr. Vikas Jain, Advocate
for the appellants in RFA No. 6794 to 6796, 7657 of 2011.

Ms. Ekta Thakur, Advocate
for the appellants in RFA No. 520 of 2012.

None for the appellants in RFA No. 5399 of 2012,
6929 of 2011.

Mr. Deepak Sharma, Advocate for
U.T. Chandigarh in RFA No. 6705 of 2011
in RFA No. 6292, 7491 of 2012.

Mr. Vikram Vir Sharda, Additional Government Pleader
for the U.T. Chandigarh
in RFA Nos. 6710 to 6713, 6794 to 6796, 6929 of 2011.

Mr. A.P. Setia, Advocate
for U.T. Chandigarh in RFA No. 3431 to 3433, 7657 of
2011.

Mr. Deepak Aggarwal, Advocate
for the U.T. Chandigarh in RFA No. 5399 of 2012.

Mr. Vishal Sodhi, Standing Counsel
for the respondent- U.T. Chandigarh.

Ms. Sonia Sharma, Additional Govt. Pleader
for the respondent in RFA No. 1675 of 2013.

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 29 regular first appeals filed by the landowners bearing RFA Nos. 3431 to 3433, 3511 to 3513, 6115, 6705 to 6714, 6794 to 6796, 6929, 7657, 7895 of 2011; 520, 5399, 6292 and 7491 of 2012; 1675, 5383 of 2013 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 sake of facility of reference, facts are being culled out from RFA No. 3431 of 2011 (Rahul Inder Singh and another Vs. Union Territory, Chandigarh and others).

Briefly put, facts necessary for disposal of these cases, are that U.T. Chandigarh sought to acquire land measuring 48.588 acres (388 kanas 14 marlas) situated in village Kaimbwala, at public expenses for public purpose; namely for Protection of Environment for Sukhna Lake. Accordingly, notification dated 4.12.2000 under Section 4 of the Land Acquisition Act, 1894 ('the Act' for short) was issued which was followed by notification dated 11.6.2001 issued under Section 6 of the Act. The Land Acquisition Collector, vide his award No. 562 dated 2.6.2003, granted compensation to the

landowners @ ₹6,90,240/- per acre for the acquired land.

Dissatisfied, landowners filed their objections under Section 18 of the Act and as a consequence thereof, land references were forwarded to the learned reference court, who decided the same vide common order dated 3.1.2011, enhancing the amount of compensation to the tune of ₹17,46,000/- per acre.

Feeling aggrieved against the impugned award passed by the learned reference court, landowners have approached this Court by way of these appeals seeking further enhancement in the compensation. However, no appeal has been filed 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 partly allowed. To say so, reasons are more than one, which are being recorded hereinafter.

It is a matter of record that learned reference court has placed reliance on the earlier award dated 24.4.2007 passed in LAC No. 263 of 2003 titled as Harmohan Singh Dhawan and another Vs. U.T. Chandigarh, which was made the basis for assessing the market value. In this view of the matter, learned counsel for the parties are ad idem that except the negligible time gap of few months, there was no other distinguishing feature in the present set of appeals and the one in Harmohan Dhawan's case (supra), which has already 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).

So far as time gap is concerned, since it is negligible, being of few months, the same deserves to be ignored. Accordingly, the landowners in these appeals are held entitled to receive the compensation at the uniform rate of ₹25,87,150/- per acre for their acquired land. 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.

No other argument was raised.

Considering the peculiar facts and circumstances of the case, coupled with the reasons aforementioned, all these appeals filed by the landowners are allowed to the extent indicated hereinabove and the landowners are held entitled to receive the compensation at the uniform rate of ₹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 the statutory benefits available to them under the relevant provisions of 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