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

**Date of decision : 08.02.2016
FAO-8685-2014 (O&M)**

Government of India and another

...Appellants

Versus

Amarjit Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. S.S. Narula, Advocate and
Mr. R.S. Madan, Advocate
for the appellant(s)-Union of India.

Mr. Puneet Jindal, Senior Advocate with
Mr. Parambir Singh, Advocate
for respondent Nos.1 and 2 (in FAO-3538-2014) and
for respondent Nos.1 to 4 (in FAO-9107-2014).

Mr. Kanwal Goyal, Advocate
for respondent No.2 (in FAO-4687-2014).

Mr. Satbir Rathore, Advocate
for respondent No.1 (in FAO-3758-2015),
for respondent No.1 (in FAO-8685-2014).

Mr. Balram Singh, Advocate
for respondent Nos.1 and 2 (in FAO-8614-2014).

Mr. Amit Jhanji, Advocate
for the respondents (in FAO-8617-2014).

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

AMIT RAWAL, J. (ORAL)

This order of mine shall dispose of the appeals bearing

FAO No.8685 of 2014 titled as "Government of India and another V/s Amarjit Singh and others", FAO No.8614 of 2014 titled as "Government of India and another V/s Mohinder Singh and others", FAO No.3538 of 2014 titled as "Union of India and another V/s Roshan Singh and others" FAO No.4687 of 2014 titled as "Government of India and another V/s Piara Singh and others" FAO No.8617 of 2014 titled as "Government of India and another V/s Balwinder Singh and others" FAO No.3758 of 2015 titled as "Government of India and another V/s Darshan Singh and others" FAO No.9107 of 2014 titled as "Government of India and another V/s Amrit Pal Singh and others, filed at the instance of Government of India. The notification under Section 3-A of the National Highway Act, 1956 for widening of the National Highway-1A (hereinafter called 'the 1956 Act'), was issued on 24.12.2004. The competent authority assessed the compensation @ ₹ 6250/- per marla i.e. ₹ 10,00,000/- per acre. Aggrieved of the same, the appellant(s)-landowners sought the reference under Section 3G (5) of the 1956 Act, accordingly, the Arbitrator by taking into consideration the market rate and applying the 50% cut, assessed the compensation @ ₹ 1,50,000/- per marla.

Mr. S.S. Narula and Mr. R.S. Madan, learned counsel appearing on behalf of the appellant(s)-Union of India, submits that such an increase is phenomenal as the spot inspection was done on 06.06.2009 i.e post notification and after applying 50% cut, assessed the compensation by taking into consideration the market

rate @ ₹ 2,00,000/- to ₹ 5,00,000/- per marla. No doubt, the sale deeds on behalf of the landowners have been brought on record, but the same are also with regard to Village Fattu Chak and, therefore, not entitled to any relief.

Mr. Puneet Jindal, learned Senior Counsel assisted by Mr. Parambir Singh, learned counsel and Mr. Kanwal Goyal, Advocate, Mr. Satbir Rathore, Advocate, Mr. Balram Singh, Advocate and Mr. Amit Jhanji, learned counsel appearing on behalf of the respondent(s)-landowner(s), submits that as per the sale deeds mentioned at Sr. No.6 to 8 as noticed in the Award, the rate of the land shown prior to the promulgation to the Notification, was ₹ 2,00,000/- per marla, whereas the Arbitrator awarded the compensation @ ₹ 1,50,000/- per marla against ₹ 6,250/- and, thus, there is no illegality and perversity in the order and prays for dismissal of the appeals.

I have heard the learned counsel for the parties and appraised the paper book and as well as the record of Court below.

The sale deeds dated 02.06.2004, 19.02.2004 and 27.11.2003 are all pre notification dated 24.12.2004. The Arbitrator has not taken into consideration the aforementioned facts, but considered prevailing market rate at the time of spot inspection, on perusal of the sale deeds, aforementioned, it reveals that the rate of the land agreed to sold ₹ 2,00,000/- per marla.

Since, the Arbitrator awarded ₹ 1,50,000/- per marla, I do not find any illegality and perversity in the Award in assessing

the compensation in respect of the aforementioned villages. Accordingly, the Award of the Arbitrator is upheld.

With the aforementioned observations, the appeals are dismissed.

The landowners shall be entitled to all the statutory benefits as per the provisions of Sections 23 (2) and 28 of the Land Acquisition (Amendment) Act, 1984 and in view of the judgment rendered by the Division Bench of this Court in **'M/s Golden Iron and Steel Forging V/s Union of Indian and others" 2011(4) RCR (Civil) 375.**

The landowners shall be entitled to draw the money lying deposited in the Executing Court in pursuance to the interim order passed by this Court, viz-a-viz the balance amount and shall be further entitled to receive in accordance with law.

08.02.2016
yogesh

**(AMIT RAWAL)
JUDGE**