

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA No.2999 of 2013 and other connected matters
Date of decision: 06.05.2016

Wirsa Singh

... Appellant

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. R.S. Sailani, Advocate and
Mr. Tarunveer Vashisht, Advocate and
Ms. Charu Verma, Advocate
for the appellant(s) (in RFA Nos.2999 to 3021, 4339 and 4340 of
2013)

Mr. Yatinder Sharma, 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.

This batch of 25 appeals, bearing Regular First Appeal Nos.2999 to 3021, 4339 and 4340 of 2013, all filed by the land owners, is being decided vide this common order, as all these appeals arise out of the same acquisition and raise identical questions of law and facts. However, with the consent of learned counsel for the parties and for the facility of reference, facts are being culled out from RFA No.2999 of 2013 (Wirsa Singh Vs. State of Punjab and others).

Learned counsel for the parties are ad idem that vide notification

dated 20.11.2006 issued under Section 4 of the Land Acquisition Act, 1894 ('the Act' for short), which was followed by notification dated 29.04.2007 under Section 6 of the Act, land measuring more than 600 acres was sought to be acquired by the State of Punjab, out of the revenue estate of as many as 11 villages namely Shahpur Nau Abad Their, Andana, Mandvi, Chandu, Makror Sahib, Nawangaun, Jaswantpur @ Hotipur, Baupur, Banarsi, Khanori Kalan and Gulahar, at public expenses for public purpose namely; for embankment and widening of Ghaggar river. However, further factual aspect of the matter need not be recorded.

A batch of 110 identical appeals, including **RFA No.3367 of 2011 (Sadhu Ram Vs. State of Punjab)** came to be decided by this Court vide order dated 27.01.2016. However, these appeals arising out of village Gulahar remained pending. It is also not in dispute that the land of village Gulahar and abovesaid other 10 villages was acquired for the same public purpose and vide same notification, as noticed hereinabove.

In view of the abovesaid undisputed fact situation obtaining in the present case, learned counsel for the appellant(s)-land owner(s) submits that present set of appeals would be squarely covered by the order dated 27.01.2016 passed by this Court in **Sadhu Ram's** case (supra). He further submits that since the land of the appellant(s)-land owner(s) in present set of appeals, out of the revenue estate of village Gulahar, was adjoining to the revenue estate of village Khanori Kalan, the appellant(s) herein shall also be entitled for the same market value for their acquired land, which has been granted by this Court to the land owners of village Khanori Kalan i.e. at the rate of Rs.21,00,000/- per acre.

However, this solitary contention raised by learned counsel for the appellants has been strongly opposed by learned counsel for the State,

contending that since Khanori Kalan was, in fact, a town, land of village Gulahar cannot be treated at par with the land of Khanori Kalan. He further submits that the land of village Gulahar would be at par and can be easily equated with the land of village Banarsi and Andana, because the revenue estate of these three villages were adjoining with each other. He also submits that since the land of village Banarsi and Andana has been assessed by this Court at the rate of Rs.15,95,600/- per acre, the land owners in the present set of appeals cannot be granted more market value than what was granted to the land owners of village Banarsi.

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 rival contentions raised, this Court is of the considered opinion that since the land of Khanori Kalan was an urban land, it cannot be equated with the land of village Gulahar. Learned counsel for the State has been found well justified in contending that the acquired land out of the revenue estate of village Gulahar can be equated only with the land of village Banarsi and Andana. It is so said because learned counsel for the appellant-land owner could not substantiate his abovesaid argument to get the land of village Gulahar equated with the land of Khanori Kalan and rightly so, it being a matter of record.

Keeping in view the totality of facts and circumstances of the case and while striking a balance between the parties, with a view to do complete and substantial justice, this Court is of the considered opinion that acquired land in the present set of cases can be equated not with the land of Khanori Kalan but with the land of villages Banarsi and Andana. Ordered accordingly.

Consequently, the land owner(s), in the instant set of appeals, are

held entitled to receive the compensation for their acquired land at the uniform rate of Rs.15,95,600/- per acre from the date of notification under Section 4 of the Act. Besides this, the land owner(s)-appellant(s) shall also be entitled for all other statutory benefits available to them under the relevant provisions of the Act.

Resultantly, with the observations made above, all these 25 appeals stand disposed of, in the abovesaid terms, however, with no order as to costs.

06.05.2016
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[RAMESHWAR SINGH MALIK]
JUDGE