

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

RA-RF No. 1-CI of 2016 (O&M) in
R.F.A. No. 1525 of 2003

Date of decision : 23.9.2016

Mangtu

..... Applicant

VS

State of Punjab and others

... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: None for the applicants-appellants.

Mr. Piyush Bansal, Deputy Advocate General, Punjab.

Rajesh Bindal J.

This order will dispose of Review Applications bearing RA No. 1-CI of 2016 in RFA No. 1525 of 2003, RA No. 2-CI of 2016 in RFA No. 1524 of 2003 and RA No. 3-CI of 2016 in RFA No. 1523 of 2003, as common questions of law and facts are involved therein.

The prayer in the present review applications filed by the landowners is for modification of the order dated 16.9.2015 passed by this Court dismissing the appeals filed by the applicants/landowners and the State in terms of the judgment in RFA No. 897 of 1996 – Punjab State and others vs Ram Singh and others.

Briefly, the facts of the case are that State of Punjab vide notification dated 20.12.1994, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') sought to acquire land in village Sarti Teeka Patranlawan, District Gurdaspur, for reservoir for Ranjit Sagar Dam. Notification under Section 6 of the Act was issued on 6.10.1995. The Land Acquisition Collector (for short, 'the Collector') vide award dated

26.11.1997, assessed the compensation for the acquired land at the following rates:-

<u>Kind of land</u>	<u>Rates awarded per acre</u>
Barani -I	₹ 40,000/-
Barani-II	₹ 36,000/-
Barani-III	₹ 30,000/-
Banjar Qudimi	₹ 15,000/-
Gair Mumkin abadi	₹ 40,000/-
Gair Mumkin	₹ 10,000/-

Aggrieved against the award of the Collector, the landowners filed objections. On reference, the learned Reference Court vide award dated 3.10.2002, dismissed the objections filed by the landowners. The applicants-landowners filed appeals before this Court.

In some of the references, the learned Reference Court enhanced the compensation for the land acquired vide same notification vide its earlier award dated 23.2.2002 at the following rates:-

<u>Kind of land</u>	<u>Rates awarded per acre</u>
Chahi/ Gair mukin abadi	₹ 1,30,000/-
Barani-I/ Barani-II	₹ 1,05,000/-
Barani-III	₹ 63,000/-
Banjar Jadid/Banjar Qadim	₹ 31,500/-
Gair Mumkin	₹ 25,000/-

As the learned Reference Court has enhanced the compensation for the acquired land, the State had also filed appeals before this Court.

This Court vide judgment passed in RFA No. 897 of 1996 – Punjab State and others vs Ram Singh and others, decided on 16.9.2015, dismissed the bunch of appeals filed by the landowners as well as by the State finding that the amount of compensation assessed by the learned Reference Court was reasonable.

Against the judgment of this Court, the applicants-landowners

have now filed Review Applications seeking modification of the order to the extent that they be awarded compensation as has been granted to the landowners of the same villages by the learned Reference Court vide award dated 23.2.2002 as their land was also acquired vide same notification under Section 4 of the Act. The prayer is that at the time of arguments it could not be pointed out that the references filed by some of the landowners, whose land was also acquired vide same notification, were dismissed by the learned Reference Court, whereas in some of the cases the learned Reference Court had enhanced the compensation. The prayer is that the same amount of compensation be awarded to the present landowners as has been granted by the learned Reference Court vide award dated 23.2.2000.

Learned counsel for the State could not dispute the aforesaid fact.

Heard learned counsel for the State and perused the paper book.

It is not in dispute that the learned Reference Court vide award dated 23.2.2000 had enhanced the compensation for the land acquired vide notification dated 20.12.1994. The land of the present applicants-landowners was also acquired vide same notification for the same purpose, however, their references were dismissed by the learned Reference Court vide award dated 3.10.2002.

This Court while deciding the bunch of appeals pertaining to land of different villages acquired vide different notifications issued under Section 4 of the Act had dismissed the appeals filed by the landowners as well as of the State. It was not pointed out by counsel for the parties at the time of arguments that different awards had been passed by the learned Reference Court for the land acquired vide notification dated 20.12.1994.

Considering the aforesaid facts, in my opinion, the order passed by this Court in the case of the applicants/landowners on 16.9.2015 deserves to be modified to the extent that the applicants-landowners shall be entitled to compensation in terms of the award passed by the learned Reference Court on 23.2.2000, which was upheld by this Court. Accordingly the appeals filed by them are allowed. They shall also be entitled to statutory benefits as provided under the Act.

Ordered accordingly.

The review applications stand disposed of.

23.9.2016
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(Rajesh Bindal)
Judge

Whether speaking/ reasoned
Whether Reportable

Yes/No
Yes/No