

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

**IOIN-RFA No.4332 of 2014
Date of Decision : 21.12.2016.**

Krishan Kaur and others

.....Appellants

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Madan Sandhu, Advocate for the appellants.
Mr. K.K.Gupta, Addl. A.G. Punjab.
Mr. Arvind Mittal, Advocate for respondent No.2.

ARUN PALLI, J. (Oral)

Vide order dated 10.08.2016, this Court had disposed of a bunch of 30 appeals, that were listed at regular No.336 and 693, in terms of the judgment dated 2.3.2016, rendered by this Court in RFA No.991 of 2013 (Tarlochan Singh and another Vs. State of Punjab and another), vide which in the appeals arising out of the same acquisition, this Court had enhanced the compensation to ₹ 1418/- per square yard. However, while recording individual orders in each of those appeals, it transpired that RFA No.5214 of 2014 (Meher Singh Vs. State of Punjab and others) was in fact preferred against the award made by the Land acquisition Collector-cum-Sub Divisional Magistrate, Patiala, dated 22.03.2013, and not against the award rendered by the reference Court, dated 15.09.2012, which was in question in the other appeals seeking enhancement. For, the appellant in RFA No.5214 of 2014, had impugned the award rendered by the Collector under Section

28-A of the Land Acquisition Act, even, the appeal before this Court was not maintainable under Section 54 of the Act. As a result, vide my order dated 10.08.2016, the Registry was directed to re-list the said appeals. It appears that post passing of the said order, the office traced a few other matters, which were similar i.e. RFA Nos. 3406, 3842, 6281 and 4332 of 2014, and were disposed of on 10.08.2016. That is how, these appeals, have been re-listed.

Learned counsel for the appellant concedes that out of the four appeals, only one i.e. RFA No.3406 of 2014 was directed against the award dated 22.03.2013, rendered by the Land Acquisition Collector whereas, the other three appeals that is RFA Nos. 3842, 6281 and 4332 of 2014, were filed against the award dated 15.09.2012, rendered by the reference Court. Meaning thereby, three appeals were rightly disposed of being covered by the decision of this Court in the case of Tarlochan Singh and another (supra). And appeal i.e. RFA No.3406 of 2014, is not maintainable.

The factual position as set out above is not disputed by the learned counsel for the respondents.

Since all the four appeals were disposed of vide a common order, recorded in RFA No.3406 of 2014, the order dated 10.08.2016 is required to be recalled. So that RFA Nos. 3842, 6281 and 4332 of 2014 are disposed of separately and RFA No.3406 of 2014 by a separate order. Accordingly, order dated 10.08.2016 is recalled. All the four appeals are restored to their original numbers.

For, concededly, the matter in issue in these three appeals that

is RFA Nos.3842, 6281 and 4332 of 2014, is covered by the decision of this Court in the case of Tarlochan Singh (supra) the same are accordingly disposed of in terms thereof.

21.12.2016

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No