

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

Date of Decision : 15.02.2017

IOIN in/ and RFA No.2788 of 2003

State of Haryana & ors.

..... Appellants

Versus

Mam Raj and others

..... Respondents

IOIN in/ and RFA No.2789 of 2003

State of Haryana & ors.

..... Appellants

Versus

Gian Chand and others

..... Respondents

IOIN in/ and RFA No.2790 of 2003

State of Haryana & ors.

..... Appellants

Versus

Amar Singh

..... Respondent

IOIN in/ and RFA No.2791 of 2003

State of Haryana & ors.

..... Appellants

Versus

Prem Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Ms. Safia Gupta, AAG, Haryana.

ARUN PALLI, J. (Oral)

Vide this order and judgment, I shall decide a bunch of four appeals filed by the State. For, the matter arises out of the same acquisition, and the question that requires determination in all these appeals is common,

these are being disposed of by common judgment. However, for facilities of reference and convincing the facts are being culled out from RFA No.2788 of 2003.

Vide notification under Section 4 of the Land Acquisition Act 1894, published on 14.10.1993, a land situated in village Sadhaura was sought to be acquired for construction of road namely approaches of Sadhaura Nadi Bridge crossing Sadhaura-Kotha road. The Land Acquisition Collector assessed the market value of the land that was chahi at ₹ 1,60,000/- per acre and for Barani and Gair Mumkin at ₹ 1,05,000/- per acre. However, the claimant landowners being aggrieved of the assessment and compensation awarded by the Collector had filed objections under Section 18 of the Act. Resultantly, the dispute was referred to the Civil Court for determination of compensation. And, the Reference Court vide impugned award dated 04.04.2003 uniformly enhanced the compensation awarded to the claimant to ₹ 2,32,000/- per acre. That is how, as indicated above, the State is in appeal.

I have heard learned counsel for the State and perused the record.

Concededly, the Reference Court assessed the value of the acquired land in reference to its earlier award dated 07.11.1998 (Ex.P2), for, vide said award the Court had assessed the value of another chunk of land, that too was situated in the same village i.e. Sadhaura, and was acquired for the same purpose. Further, there was not much time difference between the two notifications issued under Section 4. For, in the other proceedings the notification under Section 4 was issued on 10.11.1994, whereas in the

present case on 14.10.1993. Even otherwise, both the parties, as recorded in para 16 of the award, had expressed no objection for determination of the claims of the landowners in terms of the award Ex.P2. Not just that, it is also not disputed that in an appeal i.e. ***RFA No.548 of 2000 (State of Haryana and others vs. Dharam Singh)*** preferred against the award dated 07.11.1998 (Ex.P2), this Court had dismissed the appeal filed by the State, and the compensation awarded by the Reference Court at 2,32,000/- per acre was affirmed.

That being so, no interference is warranted with the impugned award. The appeals being referred on merit are dismissed, accordingly.

15.02.2017
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(ARUN PALLI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No