

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

**RFA No.2557 of 1990 (O&M)
Date of Decision : 07.07.2017.**

The State of Punjab

.....Appellant

Versus

Ram Nath and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Ms. Ruksaar Sandhu, AAG, Punjab.

ARUN PALLI, J. (Oral)

The State is in appeal against the award dated 16.08.1990, rendered by the reference Court.

The facts that are required to be noticed are limited.

Vide notification dated 13.05.1976 issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') a land situated in village Maidamajra (H.B. No.238), Tehsil Anandpur Sahib, District Ropar was sought to be acquired for setting up a Soda-Ash/Ammonium Chloride and Caustic Soda Project at Nangal. Final declaration under Section 6 was published on 9.9.1976. The Land Acquisition Collector, vide award No.2 dated 7.6.1979 assessed the market value of the land that was chahi at ₹14,000/- per acre, Barani at ₹12,000/- per acre and Banjar Qadim and gair mumkin land at ₹6,000/- per acre. Being dis-satisfied with the assessment and the compensation awarded by the Collector the claimants-landowners filed objections under Section 18 of the Act. Resultantly, the dispute was

referred to the Civil Court for determination of the true value of the acquired land. Vide impugned award, dated 16.08.1990, the reference Court enhanced the compensation awarded to the claimants and the land that was barani was evaluated at ₹18,000/- per acre, gair mumkin at ₹12,000/- per acre and chahi @ ₹20,000/- per acre. That is how, as indicated above, the State is in appeal before this Court.

Learned State counsel fairly points out, at the outset, that the matter in issue is squarely covered by the order and judgment dated 7.10.2010, rendered by this Court in RFA No.3010 of 1989 (The State of Punjab Vs. Satanjiv (deceased) through his LRs and others), vide which, the appeals arising out of the same acquisition preferred by the State were dismissed. A reference is also made to an order dated 25.05.2011 made by this Court in RFA No.2417 of 1989 (The State of Punjab Vs. Maghi Ram and others) in which this Court while relying upon the decision in the case of Satanjiv (supra) had dismissed another State's appeal, arising out of the same acquisition. Therefore, she submits that the present appeal too is required to be dismissed in terms of the decision of this Court referred to above.

In the wake of the above, the appeal is disposed of in terms of the decision of this Court in the case of Satanjiv (supra).

07.07.2017

Manoj Bhutani(ARUN PALLI)
JUDGEWhether speaking/reasoned
Whether reportable:Yes/No
Yes/No