

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No.1363 of 1994 (O&M)
Date of Decision : 13.07.2017.

Bant Singh

.....Appellant

Versus

The State of Punjab and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. C.S.Jattana, Advocate for the appellant.

Ms. Ruksaar Sandhu, AAG, Punjab.

ARUN PALLI, J. (Oral)

Claimant is in appeal against the award dated 30.08.1993, rendered by the reference Court.

The facts that are required to be noticed are limited.

Vide notification dated 25.06.1987, issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') a land situated in village Daggu Romana (H.B. No.67), Tehsil and District Faridkot was sought to be acquired for construction of Daggu Romana link drain. Final declaration under Section 6 was published on 19.05.1988. The Land Acquisition Collector, vide award No.205 dated 14.09.1989, assessed the market value of the acquired land that was Nehri at ₹7826/- per acre, barani ₹7500/-per acre and gair mumkin ₹6000/- per acre. Being dis-satisfied with the assessment and the compensation awarded by the Collector the

claimant/landowner 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. And, vide impugned award, the referenced Court had assessed the compensation at ₹25,000/- per acre for Nehri Land. That is how, as indicated above, the claimant/landowner is before this court for further enhancement.

Ex facie, on a consideration of the matter in issue and the evidence led by the parties, the reference Court arrived at a conclusion that the sale deeds that were brought on record by the State i.e. Ex.R1, Ex.R2 and Ex.R3 could not be relied upon for assessing the true value of the acquired land, for, these were executed in the year 1980. Whereas, the notification under Section 4, in relation where to the value of the acquired land was to be assessed, was issued on 25.06.1987. Likewise, sale deed dated 21.05.1984 (Ex.A1) that was relied upon by the claimant/landowner was also discarded, for, it pertained to an extremely small and negligible area measuring 2 kanals only. Thus, was not germane to the acquisition in question. In the given situation the reference Court relied upon an award Ex.A3, that pertained to the acquisition of land situated in village Sango Romana, vide which the land (Nehri) was evaluated at ₹20,000/- per acre. For, village Daggu Romana and villages Sango Romana were contiguous and their boundaries abutted each other. But as value of real estate had escalated many fold since 1980, the reference Court assessed the value of the acquired land (Nehri) at ₹25,000/- per acre. Particularly, when the claimant/landowners themselves relied upon an award Ex.A3.

The plea of the claimant that the land that was Chahi was required to be assessed at a higher value was rejected as nothing was brought on record to show that nature of the acquired land was indeed Chahi. At any rate, neither the claimant produced any jamabandi in this regard nor this was their claim before the Land Acquisition Collector. Likewise, the claim of the land owners as regards trees, wells, bore, structures and crops was also declined, for, they failed to lead any cogent or credible evidence in this regard.

It would be apposite to point out at this juncture, that it was vide a common notification dated 25.06.1987, a land situated in both the villages i.e. Sango Romana and Daggu Romana was sought to be acquired for a common purpose. Though, the land that was Nehri and situated in village Sango Romana was assessed at ₹20,000/- per acre but in the matter in hand the reference Court awarded the compensation at ₹25,000/- per acre. Thus, there was/is hardly any cause for grievance to the claimant. Further, vide order and judgment dated 13.08.2015, rendered in RFA No.1408 of 1994 (The State of Punjab and another Vs. Bant Singh), this Court had dismissed the State's appeals, arising out of the same acquisition, as also the cross appeal in this case;

“A perusal of the paper book shows that the amount involved is merely ₹9,767.70 in RFA No.1408 of 1994, ₹8,930.50 in RFA No.1411 of 1994 and ₹3,648.95 in RFA No.1412 of 1994. The acquisition having taken place about 28 years back and the amount of

compensation having already been paid to the landowners, I do not find any reason to interfere with the impugned award at this stage.

Accordingly, the appeals are dismissed”.

On being pointedly asked, learned counsel for the appellant could not show as to how the conclusion arrived at by the reference Court was either contrary to the record or erroneous in law. That being so, the only and the inevitable conclusion that could be reached is; that the appeal is devoid of merit and is thus liable to be dismissed.

Accordingly, the appeal is dismissed.

13.07.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No