

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision : 07.07.2017.
RFA No.1441 of 1991 (O&M)

Kali Das and othersAppellants
Versus

Union of India and others Respondents

2 RFA No.15 of 1992 (O&M)

Mithlesh KumariAppellant
Versus

Union of India and others Respondents

3 RFA No.932 of 1994 (O&M)

Smt. Vishav Lata and anotherAppellants
Versus

Union of India and others Respondents

4 RFA No.2555 of 1993 (O&M)

Dhian SinghAppellant
Versus

Union of India and others Respondents

5 RFA No.2377 of 1991 (O&M)

Jagdish Raj and othersAppellants
Versus

Union of India and others Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Shailendra Sharma, Advocate for the appellants
(in RFA Nos. 1441 and 2377 of 1991, 15 of 1992 and
2555 of 1993)

Mr. Munish Puri, Advocate for the appellant
(in RFA No.932-1994)

Mr. Shivoy Dhir, Central Govt. counsel for the respondents.

ARUN PALLI, J. (Oral)

Vide this order and judgment, I shall decide a batch of 5 appeals that have been preferred by the claimants-landowners against a common award dated 25.02.1991, rendered by the reference Court.

The facts that are required to be noticed are limited.

Vide notification dated 14.01.1987, issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act'), the land situated in village Mamoon (H.B. No.378), Tehsil Pathankot, District Gurdaspur was sought to be acquired for defence purpose. A final declaration under Section 6 was published on 10.07.1987. The Land Acquisition Collector, vide award No.22, dated 30.12.1988, assessed the value of the land that was Barani at ₹27,000/- per acre, Banjar Qadim at ₹14,000/- per acre and gair mumkin at ₹8,000/- per acre. Being dis-satisfied with the assessment as also 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 market value of the acquired land. The reference Court, vide impugned award, dated 25.02.1991, uniformly enhanced the compensation awarded to the claimants

to ₹350/- per marla. Concededly, in Land Acquisition Case No.76 of 1989 (Jagir Singh and another Vs. Union of India and others), arising out of the same acquisition, the reference Court, vide award dated 2.5.1990, had assessed the value of the land at ₹1400/- per marla. In fact reliance was placed upon a decision of this Court dated 31.01.1989, vide which, value of the land situated in the same revenue estate i.e. Mamoon was assessed @ ₹350/- per marla in relation to the notification, dated 22.12.1969, issued under Section 4. Which is why, the reference Court after awarding four fold increase awarded compensation at ₹1400/- per marla. It is not disputed either that against the award dated 2.5.1990, rendered in the case of Jagir Singh (supra), the respondents had preferred an appeal before this Court. And, vide order and judgment dated April 28, 2004, rendered in RFA No.2512 of 1990 (Union of India and others Vs. Jagir Singh and another) and other connected matters, this Court, affirmed the assessment or the compensation awarded by the reference Court i.e. @ ₹1400/- per marla. As a result, the appeals preferred by the claimants-landowners as also the Union of India were dismissed. The order dated 19.12.2011, passed in these appeals show that the hearing in this matter was deferred, for, a Special Leave Petition against the order dated April 28, 2004 was pending before the Supreme Court. Learned counsel for the parties are *ad idem* that the appeals preferred against the decision of this Court in the case of Jagir Singh (supra) have since been dismissed by the Supreme Court, vide order and judgment, dated April 26, 2017, rendered in Civil Appeal No.6289-6322 of 2008.

Albeit, even in these cases, in reference to the decision of this Court dated 31.01.1989, the reference Court assessed the compensation at ₹350/- per marla but no increase was awarded as regards the time difference between the two notifications issued under Section 4 of the Act in the earlier proceedings i.e. 22.12.1969 and the matter in hand i.e. 14.01.1987.

That being so, learned counsel for the parties submit that the claimants/landowners even in these appeals shall be entitled to the same compensation i.e. @ ₹1400/- per marla as was awarded to their co-landowners in the case of Jagir Singh (supra). Particularly, when the compensation assessed and awarded by the reference Court was affirmed by this Court as also the Supreme Court.

In conspectus of the above, all these appeals are disposed of in terms of the decision of this Court ,dated April 28, 2004, rendered in RFA No.2512 of 1990 (Union of India and others Vs. Jagir Singh and another). Needless to assert that the claimants in these appeals also shall be entitled to compensation at ₹1400/- per marla.

07.07.2017

*Manoj Bhutani***(ARUN PALLI)**
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No