

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

**Date of Decision : 07.12.2017
RFA No.1880 of 1995**

**State of Punjab through Land Acquisition Collector (SYL) Punjabi
Bagh, Patiala**

.....Appellant

Versus

Gurmukh Singh and another

..... Respondents

2

RFA No.1881 of 1995

**State of Punjab through Land Acquisition Collector (SYL) Punjabi
Bagh, Patiala**

.....Appellant

Versus

Puran Singh

..... Respondent

3

RFA No.1882 of 1995

**State of Punjab through Land Acquisition Collector (SYL) Punjabi
Bagh, Patiala**

.....Appellant

Versus

Tehal Singh (died) and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Jagmohan Ghumman, DAG, Punjab.

None for the respondents.

ARUN PALLI, J. (Oral)

Vide this order and judgment I shall decide a batch of 3 appeals
that have been preferred by the State of Punjab, seeking reduction in
compensation awarded to the claimant/landowners. For, all these appeals

arise out of the same acquisition and have been filed against a common award dated 3.4.1995, these are being disposed of by a common judgment. However, the facts are being culled from RFA No.1880 of 1995.

Vide notification dated 25.03.1988, issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act'), a land situated in village Nanheri H.B. No.383, Tehsil Rajpura District Patiala was sought to be acquired for construction of Mardanpur Minor. Final declaration under Section 6 was published on 29.04.1988. Vide award No.377-F dated 4.5.1989, the Land Acquisition Collector assessed the market value of the land, categorized as *chahi* @ Rs. 60,000/- per acre, *barani* @ Rs. 50,080/- per acre and *gair mumkin* at Rs.35,040/- per acre. Being aggrieved by the assessment as also the compensation awarded, the claimant/landowners filed objections under Section 18 to the award rendered by the Collector. Resultantly, the dispute was referred to the Civil Court for determination of the true value of the acquired land. And, on a consideration of the matter, the reference Court, vide impugned award, dated 3.4.1995, enhanced the compensation, for the land classified as *chahi* was assessed @ Rs.82,000/- per acre, *rousli/dakar* @ Rs.68,000/- per acre and *gair mumkin* at Rs.48,000/- per acre. All what forms basis of the enhancement awarded by the reference Court is the judicial precedent or it's earlier award, dated 18.01.1995 (Ex.A1), vide which, in the land references, arising out of the same acquisition, the reference Court had awarded enhancement at the same rate. It is not disputed either that in the appeals/cross- objections preferred by the claimant/landowners against the relied upon award, dated 18.01.1995

(Ex.A1), this Court, vide order and judgment, dated 7.9.2012, rendered in RFA No.3078 of 1992 (State of Punjab through Land Acquisition Collector (SYL), Punjabi Bagh, Patiala Vs. Raghbir Singh and others), had further enhanced the compensation and as a result, the appeals as also the cross-objections preferred by the claimants were allowed. Naturally, the appeals filed by the State against the relied upon award, dated 18.01.1995 (Ex.A1), were dismissed. Thus, the appeals preferred by the State against the relied upon award, dated 18.01.1995 (Ex.A1), arising out of the same acquisitions, were not only dismissed by this Court, but the compensation was further enhanced.

That being so, the only and the inevitable conclusion that could be reached is; these appeals shall have to be dismissed.

Ordered accordingly.

07.12.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No