

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

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| 1. | | RFA No.258 of 1997(O&M)
Date of decision: 19.12.2017 |
| | Punjab State Electricity Board | ... Appellant |
| | Versus | |
| | Nanak Chand and others | ... Respondents |
| | | |
| 2. | | RFA No.279 of 1997(O&M) |
| | Punjab State Electricity Board | ... Appellant |
| | Versus | |
| | Saroop Singh and others | ... Respondents |

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Madan Lal Saini, Advocate for the appellant(s).

ARUN PALLI, J. (Oral)

Vide this order and judgment, I shall decide two appeals preferred by the erstwhile Punjab State Electricity Board. For, both these appeals arise out of the same acquisition, and are filed against a common award dated 27.01.1995, these are being disposed of by a common judgment. However, the facts are being culled from RFA No.258 of 1997 [**Punjab State Electricity Board v. Nanak Chand and others**].

Vide notification dated 02.03.1987, issued under Section 4 of the Land Acquisition Act 1894, a land situated in four different villages i.e. Asifpur, Swar, Shekha Matta and Badhalian, was sought to be acquired for construction of Mukerian Hydel Channel. The present appeals pertain to the land that formed part of the revenue estate of village Swar, Tehsil Dasuya, District Hoshiarpur. The Land Acquisition Collector assessed the market

value of the land @ ₹ 10832.74 per acre. Being aggrieved by the assessment as also the compensation, the claimant-landowners filed objections under Section 18 to the award rendered by the Collector. Consequently, the dispute was referred to the Civil Court for determination of the true value of the acquired land. The Reference Court enhanced the compensation as regards the land situated in village Swar (Hadbast No.363) to ₹ 20,000/- per acre. All what forms basis of the enhancement awarded by the Reference Court is a judicial precedent or its earlier award dated 12.10.1990 (Ex.A3), vide which in the appeals arising out of the same acquisition, the Reference Court had assessed the value of the land situated in the same village @ ₹ 20,000/- per acre. That is how, as indicated above, the Board is in appeal before this Court.

It is not disputed that against the award rendered by the Reference Court, dated 12.10.1990 (Ex.A3), none of the parties had filed appeals, either to set aside the said award or to award further enhancement. Meaning thereby, the award Ex.A3 has since attained finality. Once that is so, needless to assert, the claimant-landowners in those proceedings must have been disbursed compensation @ ₹ 20,000/- per acre. Thus, any reduction in the compensation would neither be feasible nor justifiable.

In conspectus of the above, no interference is warranted with the impugned award. Accordingly, the appeals are dismissed.

19.12.2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO