

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

R.F.A. No. 2526 of 1998 (O&M)
Date of decision: 24.1.2017

Khuba Ram

.. Appellant

v.

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: None for the appellant.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. J. S. Bhatia, Advocate for respondent No. 3.

...

Rajesh Bindal J.

The landowner has filed the present appeal seeking enhancement and apportionment of compensation for the acquired land.

Briefly, the facts are that vide notification dated 21.3.1991, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire land measuring 426.48 acres, comprised in Hadbast No. 146 of Tehsil and District Hissar, for development and utilization for residential purposes by carving out Sectors

16 and parts of Sectors 11,13, 15 and 17 at Hissar. The same was followed by notification 18.3.1992, issued under Section 6 of the Act. The Land Acquisition Collector assessed the market value of the acquired land as under:

<u>Categorisation of land</u>	<u>Rate awarded per acre</u>
Category 'A' land	₹ 3,00,000/-
Category 'B' land (abutting Railway Lines and Cremation ground)	₹ 2,50,000/-
Category 'C' land	₹ 2,00,000/-

Aggrieved against the award of the Collector, the landowner filed objections which were referred to the learned court below, who keeping in view the material placed on record by the parties, assessed the market value of the acquired land @ ₹ 120/- per square yard. The aforesaid award of the learned court below has been impugned herein.

In the present appeal filed by the appellant, two-fold prayer has been made-- one with reference to enhancement of compensation as awarded by the Reference Court and another regarding apportionment of compensation.

Learned counsel for the State submitted that the land, which was in possession of the appellant was finally released from acquisition, hence, the claim made for enhancement of compensation does not survive.

Learned counsel for Punjab Wakf Board submitted that in fact the appellant was tenant on the land, which was owned by Punjab Wakf Board. Once the land in question itself has been released from acquisition, no claim for apportionment survives.

After hearing learned counsel for the respondents, *prima facie*, prayer made in the present appeal has been rendered infructuous, however, as none has appeared for the appellant, the appeal is dismissed for non-prosecution.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

24.1.2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No