

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

**RFA No.2177 of 1999 (O&M)
Date of Decision : 27.09.2017**

Punjab Small Industries & Export Corporation Ltd.

.....Appellant

Versus

State of Punjab and others

..... Respondents

**and other connected matters i.e. RFA Nos. 2383 to 2388, 2554 to 2562,
3001, 3002, 2853, 2834 to 2837, 2174 to 2176 and 2178 to 2185 of 1999
(O&M)**

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Pankaj Gupta, Advocate and
Mr. Indresh Goel, Advocate
for the applicant/appellant(s).

Mr. Jagmohan Ghumman, DAG, Punjab.

ARUN PALLI, J. (Oral)

Vide this order and judgment, I shall decide a batch of 34 appeals that have been filed by the beneficiaries of the acquisition i.e. Punjab Small Industries & Export Corporation Ltd. For, the matter arises out of the same acquisition and the questions that arise for determination in these appeals are common, these are being decided by a common judgment. However, by consensus, the facts are being culled from RFA No.2177 of 1999 (Punjab Small Industries & Export Corporation Ltd. Vs. State of Punjab and others).

Vide notification, dated 3.5.1989, issued under Section 4 of the Land Acquisition Act, 1894, an area measuring 50.22 acres situated in three different villages i.e. Poona (19.30 acres), Ajauli (18.64 acres) and Bhatauli (22.28 acres), was sought to be acquired for establishment of ancillary complex of P.A.C.L. and other units at Naya Nangal, Tehsil Anandpur Sahib, District Ropar. The Land Acquisition Collector, vide three separate awards of an even date i.e. 15.06.1990, assessed the value of the land that was *barani* at Rs.15,040/- per acre and *gair mumkin* at Rs.7,520/- per acre. Being aggrieved by the assessment as also the compensation awarded by the Collector, 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. On an analysis of the matter in issue and the evidence on record, the reference Court vide three separate awards of an even date i.e. 5.3.1999, for, each of the three villages, enhanced the compensation as regards the land (*barani*) to Rs.28,000/- per acre and (*gair munkin*) to Rs.14,000/- per acre. This is how, as indicated above, the beneficiaries of the acquisition are in appeal before this Court. However, the claimant/landowners have not chosen to file any appeal and have accepted the impugned award. Although, the order dated May 18, 2000 shows that claimant/respondents had since been served by affixation but none has chosen to cause appearance on their behalf.

I have heard learned counsel for the parties and perused the records.

Concededly, even earlier the land under acquisition was sought to be acquired by the State vide notifications Exhibits A-4 and A-5 in the year 1983 for setting up of Soda Ash/Ammonium Chloride, Castic Soda Project at Naya Nangal. But the said acquisition proceedings lapsed with the efflux of time. Subsequently, vide notification dated 3.5.1989, issued under Section 4, in the present proceedings, the State Government sought to acquire the said land for establishment of Ancillary Complex of PACL and other units at Naya Nangal. Record shows that none of the parties could produce any sale deeds/sale instance for the period between 1983 to 1989 to show as to what indeed was the value of the acquired land as on 31.05.1989. One of the claimant/landowner namely Parkash Chand (AW-2) testified in his deposition that since the acquired land was originally notified in the year 1983, and even the notices were served upon the claimant/landowners, resultantly there was no sale transactions from 1983 to 1989. And, that being so, the reference Court concluded that Court could take a judicial notice of this aspect of the matter that it was owing to the earlier notifications Exhibits A-4 and A-5, the real estate market in the area had come to a halt. Thus, in the absence of any sale deed/sale instance between 1983-1989, evaluation of the acquired land (*barani*) by the Collector at Rs.15,040/- per acre could only be on the basis of the rates prevalent in the year 1983. Therefore, to meet the ends of justice the claimants were awarded annual increase @12% per annum for the time period between 1983 to 1990 upon the value of the land assessed by the Collector i.e. Rs.15,040/- per acre for *barani* and Rs.7,520/- per acre for *gair mumkin*. Resultantly, the land that was classified as *barani* was

assessed at Rs.28,000/- per acre and *gair mumkin* at Rs.14,000/- per acre. Even otherwise, the records show that acquired land was situated within the municipal limits of Naya Nangal Township. It was located in close proximity to the industrial complex and many industrial units and residential colonies were also situated adjacent thereto. Thus, apparently it possessed enormous potential to be utilized for residential, commercial and industrial purposes. On being pointedly asked, learned counsel for the appellant(s) could not point out, as to how, the conclusion arrived at by the reference Court was either contrary to the record or suffered from any material illegality. That being so, the only and the inevitable conclusion that could be reached is; the appeals are wholly devoid of merit and are accordingly dismissed.

However, I am reminded to point out that record shows that execution of the impugned award was stayed by this Court in the year 2000. And, as indicated earlier, none has appeared on behalf of the claimant/landowners. Nor any application seeking vacation of an ex parte stay order was moved in all these years. In the given situation, it is deemed expedient to reiterate the directions issued by the Hon'ble Supreme Court in **Haryana State Industrial Development Corp. v. Pran Sukh and others**, 2010(4) SCC (Civil) 394:

“(i) The Land Acquisition Collector shall depute officers subordinate to him not below the rank of Naib Tehsildar, who shall get in touch with all the land owners and/or their legal representatives and inform them about their entitlement and right to receive enhanced compensation;

(ii) The concerned officers shall also instruct the land owners and/or their legal representatives to open savings bank account in case they already do not have such account;

(iii) The bank account numbers of the land owners should be given to the Land Acquisition Collector within three months; and

(iv) The Land Acquisition Collector shall deposit the cheques of compensation in the bank accounts of the land owners”.

27.09.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

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