

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

R.F.A. No. 3819 of 1998 (O&M)
Date of decision: 24.1.2017

Punjab Wakf Board

.. Appellant

v.

Haryana State and others

.. Respondents

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

Present: Mr. J. S. Bhatia, Advocate for the appellant.

Ms. Palika Monga, Deputy Advocate General, Haryana.

...

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 land measuring 426.48 acres, comprised in Hadbast No. 146 of Tehsil and District Hissar, for development and utilization of 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 Punjab Wakf Board (for short, 'the Board'), 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 parties do not dispute the fact that the issue regarding valuation of the acquired land vide same notification was gone into by Hon'ble the Supreme Court in Civil Appeal Nos. 3279-3287 of 2013—Ashrafi and others v. State of Haryana and others, vide judgment dated 11.4.2013, and compensation @ ₹ 350/- per square yard was granted.

For the reasons stated in the aforesaid judgment, the appellant is also held entitled to same amount of compensation. The impugned award of the learned Reference Court is modified to the extent that the landowner shall be entitled to compensation @ ₹ 350/- per square yard with all statutory benefits.

As far as the claim for apportionment is concerned, suffice to

state that no private person has been impleaded in the present appeal,

against whom the appellant is contesting the claim of apportionment.

Considering the aforesaid fact, the issue cannot be examined and the same is rejected.

The appeal stands disposed of accordingly.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

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