

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

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RFA No.5617 of 2001(O & M)

Date of Decision:04.05.2017

Union Territory, Chandigarh

....appellant

Versus

Jai Parkash and others

.....respondents

RFA No.1175 of 2003(O & M)

Union Territory, Chandigarh

....appellant

Versus

Mukhtiar Singh

.....respondent

RFA No.1176 of 2003(O & M)

Union Territory, Chandigarh

....appellant

Versus

Harkesh Singh

.....respondent

RFA No.1177 of 2003(O & M)

Union Territory, Chandigarh

....appellant

Versus

Harbans Lal

.....respondent

RFA No.1178 of 2003(O & M)

Union Territory, Chandigarh

....appellant

Versus

Gurdev Singh

.....respondent

RFA No.1179 of 2003(O & M)

Union Territory, Chandigarh

....appellant

Versus

Mohan Singh

.....respondent

RFA No.1180 of 2003(O & M)

Union Territory, Chandigarh

....appellant

Versus

Mohinder Pal

.....respondent

RFA No.1181 of 2003(O & M)

Union Territory, Chandigarh

....appellant

Versus

Malik Chand

.....respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Suvir Sehgal, Senior Standing Counsel with
Ms.Shivangi Sharma, Advocate
Mr.Aditya Pal Singh, Advocate and
Mr.Tarun Walia, Advocate
for U.T.Chandigarh

None for the respondent(s)

ARUN PALLI, J. (ORAL):

Vide this order and judgement, I shall decide a batch of eight appeals filed by the Union Territory, Chandigarh. For, the matters arise out of the same acquisition and the issue that requires determination is common, all these appeals are being decided by a common judgment. However, for facility of reference, the facts are being culled out from RFA No.5617 of 2001.

Vide notification dated 09.03.1995, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), a land situated in village Dadu Majra, Hadbast No.14, U.T.Chandigarh, was sought to be acquired, for construction of houses by the Chandigarh Housing Board. A

final declaration under Section 6 of the Act was published on 15.05.1995. The Land Acquisition Collector, vide award No.500/LAO dated 11.12.1995, assessed the market value of the acquired land @ ₹ 3 lacs per acre. The claimant-landowners were also awarded compensation qua their structures. Being aggrieved by the assessment as also the compensation awarded by the Collector, the claimants filed objections under Section 18 of the Act. Resultantly, the dispute was referred to the civil Court.

On a consideration of the matter in issue and the evidence on record, the reference Court, vide award dated 30.01.2001, enhanced the compensation awarded to the claimant-landowners to ₹ 5,36,000/- per acre. And even as regards the superstructures, the claimant-landowners were awarded enhancement @ 25% upon the compensation granted by the Collector. Subsequently, vide another award dated 02.11.2001, that only involved assessment of value of the structures, the reference Court, in terms of its earlier award dated 30.01.2001, awarded similar enhancement i.e. @ 25%.

Both the parties had preferred appeals before this Court. Of course, Union Territory, Chandigarh, appealed for setting aside the award rendered by the reference Court, whereas the claimant-landowners sought further enhancement. And, this Court, vide order and judgement dated 18.05.2010, rendered in RFA No.2989 of 2006, titled “U.T.Chandigarh versus Behal Singh Gill and another”, and other connected matters, further enhanced the compensation awarded to the claimant-landowners, qua the acquired land. However, as regards superstructures, tubewells, trees etc., this Court had observed thus:

So far as the market value assessed by the

Court of Reference with regard to structure, tubewells, trees etc. is concerned learned counsel for the appellants has not assailed the finding of the Court of Reference on that aspect. Thus, no interference is called for in that context.

Resultantly, the appeals filed by the claimant-landowners were allowed, and as a necessary consequence, the appeals filed by U.T.Chandigarh were dismissed. Even in the present set of appeals, the Union Territory, Chandigarh, has impugned the awards dated 30.01.2001 and 02.11.2001, respectively. Indisputably, even in these appeals, the reference Court has awarded enhancement @25% upon the compensation awarded by the Collector to the claimants qua their structures. Ex facie, Union Territory, Chandigarh, in the earlier proceedings i.e. *Behal Singh Gill's case (supra)*, had not assailed the findings or the conclusion arrived at by the reference Court, as regards enhancement qua structures. And, the claimants, in these appeals are identically placed.

Faced with this, learned senior standing counsel for Union Territory, Chandigarh, does not dispute that the claimant-landowners, even in these appeals shall be entitled to the same enhancement/compensation, as was awarded by the reference Court, in the other connected matters.

In conspectus of the above, no interference is warranted in the impugned awards. The appeals being devoid of merit are accordingly dismissed.

May 04, 2017

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Whether speaking/reasoned

**(ARUN PALLI)
JUDGE**

Yes/No.

Whether reportable-

Yes/No