

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

984

RFA No.2599 of 2005

Date of Decision:04.05.2017

Gurbachan Singh

....appellant

Versus

Punjab State through Land Acquisition Collector, SAS Nagar Mohali

.....respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Vijay Lath, Advocate
for the appellant

Mr.Deepak Garg, AAG Punjab

ARUN PALLI, J. (ORAL):

Learned counsel for the parties are ad idem that the only issue that requires determination, in this appeal, is as regards superstructure. It is submitted that in the appeals arising out of the same acquisition, this Court vide numerous orders of an even date dated 22.03.2013, i.e.Annexures A1 to A9, assessed the value of the superstructures on the average of the two valuation reports submitted by the parties. One of the order dated 22.03.2013 passed in RFA No.2600 of 2005, reads thus:

“The land measuring 843 kanals 17 marlas of village Kambli, Tehsil Kharar, District Ropar was intended to be acquired vide notification issued on 7.6.1993 under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act'). The declaration under Section 6 of the Act was published on 3.1.1994. The Land Acquisition Collector announced its Award No. 456 on

14.2.1996 and awarded compensation @ Rs.3,85,000/- per acre. In the references sought by the land owners dissatisfied against the compensation determined by the Land Acquisition Collector, the learned Reference Court awarded Rs.6,96,000/- per acre vide Awards dated 22.4.2000 and 3.1.2003.

Vide another notification dated 7.6.1993 under Section 4 of the Act, land situated in village Jagatpura, Tehsil Kharar, District Ropar, was intended to be acquired for a public purpose i.e. setting up of a residential urban estate. Declaration under Section 6 of the Act was published on 3.1.1994. The Land Acquisition Collector vide his Award No. 456 dated 26.2.1996 awarded compensation @ Rs. 3,85,000/- per acre for level land and Rs.2,00,000/- per acre for Gair Mumkin river and ravins. The learned Reference Court in the references sought by the land owners, dissatisfied with the market value determined by the Land Acquisition Collector, awarded compensation @ Rs.6,96,000/- for level land and Rs.3,60,000/- for the land under choe, river and ravins, vide Awards dated 3.1.2001 and 18.7.2001. The Land Acquisition Collector also announced Award No.456 on 20.2.1996 awarding compensation for superstructures @ Rs.53,475/-.

In the present case, the valuation report proved by the landowners arrives at the value of the superstructure as Rs. 3,52,000/- (Ex.P-3/B) whereas, as per the valuation report submitted by the State, the value of the construction is Rs.1,59,310/- (Ex.R-2).

In *RFA No. 1273 of 2005, Avtar Singh vs. Punjab State*, decided on 1.12.2010, the compensation in respect of superstructures has been awarded on the average of two valuation i.e. valuation of the State as well as of the land owners. In view of the said fact, Rs.2,55,655/- is determined as the compensation for the superstructures.

The appellant shall also be entitled to statutory benefits under Sections 23(1-A), 23(2) and 28 of the Act.

Disposed of accordingly.”

Thus, it is submitted that as per the valuation report Ex.PW2/B proved on record by the claimant-landowner, value of the superstructure was assessed at ₹ 3,98,700/-, whereas, in terms of the report Ex.R2 relied upon by the State, the superstructure of the appellant was assessed at ₹ 1,92,440/-. Thus, it is urged that the claimant-landowner shall be entitled to a sum of ₹ 2,95,570/- as compensation qua superstructure.

That being so, the appeal is disposed of in the above terms. Needless to assert that the appellant shall also be entitled to the statutory benefits as admissible in law.

May 04, 2017

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**(ARUN PALLI)
JUDGE**

Whether speaking/reasoned

Yes/No.

Whether reportable-

Yes/No