

**219+218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of decision : 25.09.2017

1. RFA No. 3801 of 2007(O&M)

Kuldeep Singh and others

..... Appellants

versus

State of Punjab

..... Respondent

2. RFA No. 3797 of 2007(O&M)

Gurnam Singh and others

..... Appellants

versus

State of Punjab

..... Respondent

3. RFA No. 3796 of 2007(O&M)

Pal Singh

..... Appellant

versus

State of Punjab

..... Respondent

4 RFA No. 3799 of 2007(O&M)

Kesar Singh and others

..... Appellants

versus

State of Punjab

..... Respondent

5 RFA No. 3800 of 2007(O&M)

Paramjit Singh

..... Appellant

versus

State of Punjab

..... Respondent

6. RFA No. 3798 of 2007(O&M)

Puran Singh

..... Appellant

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Harsh Manocha, Advocate for the appellants.

Ms.Lavanya Paul, AAG, Punjab.

Mr. Aman Sharma, Advocate
for respondent- GMADA.

ARUN PALLI, J. (Oral)

CM No. 8665-CI-2017

This is an application praying to fix the matter for final disposal as this appeal as also the connected matters can be disposed of in view of the judgment dated 28.01.2010 rendered by this Court in RFA No. 2348 of 1998 titled Kapoor Singh and others v. State of Punjab.

For the reasons set out in the application which is not opposed, the same is allowed. Consequently the appeal is taken on board.

RFA No. 3801 of 2007

Vide this order and judgment, I shall decide a batch of six appeals which have been filed by the claimant-landlords. For, all these appeals arise out of the same acquisition and are directed against the common award, these are being disposed of by this common judgment. However, by consensus facts are culled from RFA No. 3801 of 2007, Kuldeep Singh and others v. State of Punjab.

Vide notification dated 12.11.1992 issued under Section 4 of the Land Acquisition Act, the land situated in village Kumbra was sought to

be acquired for setting up a residential urban estate, SAS Nagar, Mohali. Vide Award No.453 dated 22.2.1995, the Land Acquisition Collector assessed the value of the acquired land at ₹ 2.40 lacs per acre. Being aggrieved by the assessment as also the compensation awarded by the Collector, the claimant-landowners filed objections under Section 18 thereto. Resultantly the dispute was referred to the Civil Court for determining the true value of the acquired land. And vide impugned award, the Reference Court had enhanced the compensation to ₹ 7,13, 400/- per acre. The claimants were also awarded statutory benefits as admissible in law. That is how, as indicated above, the claimants have filed these appeals seeking further enhancement in the compensation.

Learned counsel for the appellants submits that the matter in issue is squarely covered by an order and judgment dated 28.01.2010 rendered by this Court in RFA No. 2348 of 1998, Kapoor Singh and others v. State of Punjab (and other connected matters), vide which this Court in the appeals arising out of the same acquisition as also another acquisition though qua the land situated in the same revenue estate, in relation to a notification issued on the same date i.e. 12.11.1992 under Section 4, had assessed the value of the land at ₹ 7,80,000/- per acre. Further, he submits that in the appeals filed by the claimant-landlords against the decision of this Court in the case of Kapoor Singh and others(supra) the Supreme Court, vide order and judgment dated 15.01.2014, rendered in Civil Appeal No. 331 of 2014, Paramjit Panag and others v. State of Punjab had further enhanced the compensation by ₹1 lac i.e. over and above ₹ 7,80,000/- per acre awarded by this Court. Therefore, he submits that the claimants even in the present proceedings are entitled to be awarded the same compensation.

Per contra, the factual position, as set out above, is not disputed by learned counsel for the respective respondents.

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

Ex facie, the land under acquisition in the case of Kapoor Singh also formed part of the same revenue estate i.e. village Kumbra. And was acquired for the same purpose. Even the notifications under Section 4 were issued on the same date i.e. 12.11.1992. It is not the case of respondents either that the land under acquisition in the case of Kapoor Singh was dissimilar in nature and quality to the acquired land. The decision rendered by this Court in the case of Kapoor Singh has not only attained finality, rather the Supreme Court in Paramjit Panag and others (supra) had further enhanced the compensation by ₹ 1 lac per acre over and above the amount awarded by this Court. Learned counsel for GMADA fairly points out that few of the co-land owners even in the present acquisition have since been awarded compensation at ₹ 8,80,000/- acre in terms of the decision of the Supreme Court in the case of Paramjit Panag and others (supra).

Accordingly the present appeals too are disposed of in terms of the decision of this Court in the case of Kapoor Singh as also the order and judgment rendered by the Supreme Court in the case of Paramjit Panag and others (supra).

(ARUN PALLI)
JUDGE

September 25 , 2017
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No