

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No. 5493 of 2008 (O&M)
Date of Decision: April 05, 2017

Gurmeet Singh and others

...Appellants

Versus

The State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Rajesh Goyal, Advocate,
for Mr. Pritam Saini, Advocate,
for the appellants.

Mr. K.K. Gupta, Addl. AG, Punjab, and
Mr. Sukhbir Singh, Advocate,
for the respondents.

ARUN PALLI, J. (ORAL)

Vide notification, dated 03.10.2000, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), land situated in village Chakdhera, Tehsil and District Ropar, was sought to be acquired for creating an escape route for the water of the thermal plant. Final declaration, under Section 6 of the Act, was published on 30.10.2000. Vide Award No. 2, dated 18.02.2003, the Land Acquisition Collector assessed the market value of the acquired land at Rs. 3,00,000/- per acre. Being dis-satisfied with the assessment as also the compensation awarded by the Collector, the claimant/landowners 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, the Reference Court enhanced the compensation awarded to the claimant/landowners, to Rs. 13,10,800/- per acre. That is how, the claimant/landowners are in appeal before this Court. Of course

they seek further enhancement.

Learned counsel for the claimant/landowners referred to the judgment, dated 29.02.2016, rendered by this Court in **RFA No. 4709 of 2010 (The State of Punjab through the Land Acquisition Collector, PSEB, Patiala v. Bachan Singh and another)** and connected matters, vide which this Court had assessed the value of the land, which too was situated in village Chakdhera itself, alongwith other villages, at Rs. 19,09,476/- per acre. It is submitted that the notification under Section 4, in the case of Bachan Singh (supra) was issued on 15.11.2000, thus, there was hardly any time difference even between two notifications issued under Section 4. Accordingly, it is submitted that the claimant/landowners, even in these proceedings, are entitled to the same compensation as was granted by this Court in the other proceedings.

The factual position, as set out above, is not disputed by the learned counsel for the respondents. It is also not the case of the respondents, either, that the decision of this Court in the case of Bachan Singh (supra) would not have any bearing on the matter at hands.

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

Concededly, the acquired land was situated in village Chakdhera, and was acquired pursuant to a notification, dated 03.10.2000, issued under Section 4. Indisputably, even in the case of Bachan Singh (supra), the land under acquisition was situated in village Chakdhera itself. So much so, even the notification under Section 4, in the said proceedings, was issued on 15.11.2000, i.e. barely 42 days after issuance of notification under Section 4 in the present case. The Land Acquisition Collector, vide an

award of an even date, i.e. 18.02.2003, had assessed the value of the land in both the proceedings, at Rs. 3,00,000/- per acre. Meaning thereby, the acquired land was similar to the land under acquisition in the case of Bachan Singh (supra), in terms of quality and value. Not just that, even the Reference Court assessed the value of the land in both the proceedings at Rs.13,10,800/- per acre. It is not disputed that this Court in the case of Bachan Singh (supra), had enhanced the compensation to Rs. 19,09,476/- per acre. That being so, learned counsel for the respondents could not point out as to why the said decision would not cover the matter in issue. Thus, in the wake of the position as sketched out above, the only and the inevitable conclusion one could reach is that the claimant/landowners even in the present proceedings are entitled to the same compensation.

As a result, this appeal is disposed of in terms of the decision of this Court in the case of Bachan Singh (supra). The claimant/landowners are held entitled to the compensation at Rs. 19,09,476/- per acre with effect from the date of notification under Section 4, i.e. 03.10.2000. Needless to assert that the claimant/landowners shall also be entitled to all the statutory benefits as admissible in law. The impugned award is accordingly modified.

(ARUN PALLI)
JUDGE

April 05, 2017
P Kapoor

Whether Speaking/Reasoned:	YES / NO
Whether Reportable:	YES / NO