

REPORTABLE

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of Decision: January 19, 2017

Sr. No.	Case No.	Title	
		Appellant(s)	Respondent(s)
1.	RFA-3894-2010	SARDOOL SINGH AND ORS	STATE OF HARYANA AND ORS
2.	RFA-2264-2010	STATE OF HARYANA	RAM PAL AND OTHERS
3.	RFA-2265-2010	STATE OF HARYANA	RAM PAL AND OTHERS
4.	RFA-2266-2010	STATE OF HARYANA	HARPAL AND OTHERS
5.	RFA-2267-2010	STATE OF HARYANA	RAJ PAL AND OTHERS
6.	RFA-2512-2010	STATE OF HARYANA	JAI PAL SINGH
7.	RFA-2564-2010	STATE OF HARYANA	KIRPAL KAUR
8.	RFA-2565-2010	STATE OF HARYANA	PHOOL SINGH AND ORS.
9.	RFA-2566-2010	STATE OF HARYANA	SHER SINGH
10.	RFA-2567-2010	STATE OF HARYANA	SURINDER SINGH AND ORS.
11.	RFA-2568-2010	STATE OF HARYANA	LAL CHAND AND ORS.
12.	RFA-2569-2010	STATE OF HARYANA	NARATA RAM AND ORS.
13.	RFA-2570-2010	STATE OF HARYANA	PURAN CHAND AND ORS.
14.	RFA-2585-2010	STATE OF HARYANA	SURESH KUMAR AND ORS.
15.	RFA-2586-2010	STATE OF HARYANA	PRITAM SINGH AND ORS.
16.	RFA-2587-2010	STATE OF HARYANA	MADAN LAL AND ORS.
17.	RFA-2588-2010	STATE OF HARYANA	HUKAM SINGH AND ORS.
18.	RFA-2589-2010	STATE OF HARYANA	ABHAY SINGH AND ORS.

19.	RFA-2590-2010	STATE OF HARYANA	KRISHAN CHAND AND ORS.
20.	RFA-2591-2010	STATE OF HARYANA	RAVI KUMAR AND ORS.
21.	RFA-2592-2010	STATE OF HARYANA	MOHAN LAL AND ORS.
22.	RFA-2616-2010	STATE OF HARYANA	LAJJA RAM AND ORS.
23.	RFA-2617-2010	STATE OF HARYANA	HUKAM SINGH AND ORS.
24.	RFA-2618-2010	STATE OF HARYANA	VED PARKASH AND ORS.
25.	RFA-2619-2010	STATE OF HARYANA	RAJ RANI AND ORS.
26.	RFA-2620-2010	STATE OF HARYANA	RAJINDER SINGH AND ORS.
27.	RFA-2621-2010	STATE OF HARYANA	DARSHAN SINGH AND OTHERS
28.	RFA-2622-2010	STATE OF HARYANA	SATPAL AND ORS.
29.	RFA-2623-2010	STATE OF HARYANA	PARKASH SINGH AND ORS.
30.	RFA-3058-2010	STATE OF HARYANA	KAPOOR CHAND AND ORS.
31.	RFA-3296-2010	ABHAY SINGH	STATE OF HARYANA AND ORS.
32.	RFA-3297-2010	PARKASH SINGH	STATE OF HARYANA AND ORS.
33.	RFA-3345-2010	STATE OF HARYANA	SARDOOL SINGH AND ORS
34.	RFA-3346-2010	STATE OF HARYANA	NIRMAL SINGH AND ORS.
35.	RFA-3347-2010	STATE OF HARYANA	SARDOOL SINGH AND ORS
36.	RFA-3893-2010 (O&M)	SARDOOL SINGH AND ORS	STATE OF HARYANA AND ORS
37.	RFA-3895-2010	NIRMAL SINGH AND ORS	STATE OF HARYANA AND ORS
38.	RFA-4653-2010	MOHAN LAL & ORS.	STATE OF HARYANA & ORS.
39.	RFA-4654-2010	LAJJA RAM S/O NANKU	STATE OF HARYANA & ORS.

40.	RFA-4655-2010	DARSHAN & ORS.	STATE OF HARYANA & ORS.
41.	RFA-5164-2010	HUKAM SINGH AND ORS.	STATE OF HARYANA AND ORS.
42.	RFA-5165-2010	HUKAM SINGH AND ORS.	STATE OF HARYANA AND ORS.
43.	RFA-5166-2010	VED PARKESH AND ORS.	STATE OF HARYANA AND ORS.
44.	RFA-5195-2010	KRIPAUL KAUR	STATE OF HARYANA AND ORS.
45.	RFA-5196-2010	NARATA RAM	STATE OF HARYANA AND ORS.
46.	RFA-5197-2010	SHER SINGH	STATE OF HARYANA AND ORS
47.	RFA-5202-2010	RAM PAL AND ORS.	STATE OF HARYANA AND ANR.
48.	RFA-5300-2010	KAPOOR CHAND	STATE OF HARYANA AND ORS.
49.	RFA-5353-2010	LAL CHAND AND ANR.	STATE OF HARYANA AND ORS.
50.	RFA-5354-2010	PURAN CHAND AND ORS.	STATE OF HARYANA AND ORS.
51.	RFA-5355-2010	PHOOL SINGH AND ORS.	STATE OF HARYANA AND ORS.
52.	RFA-887-2011	JAI PAL SINGH	XEN CONSTRUCTION NO. 14 AND ORS
53.	RFA-888-2011	RAM PAL AND ORS	XEN CONSTRUCTION NO. 14 AND ORS
54.	RFA-1037-2011	MADAN LAL AND ORS.	STATE OF HARYANA AND ORS.
55.	RFA-1038-2011	RAVI KUMAR AND ORS.	STATE OF HARYANA AND ORS.
56.	RFA-1039-2011	SATPAL AND ORS.	STATE OF HARYANA AND ORS.
57.	RFA-1040-2011	KRISHAN CHAND AND ORS.	STATE OF HARYANA AND ORS.
58.	RFA-1041-2011	RAJINDER SINGH AND ORS.	STATE OF HARYANA AND ORS.

59.	RFA-1042-2011	RAJ RANI & ORS.	STATE OF HARYANA AND ORS.
60.	RFA-2280-2011	SURESH KUMAR AND ORS.	STATE OF HARYANA AND ORS.
61.	RFA-3462-2011	HARPAL AND ORS.	STATE OF HARYANA AND OTHERS
62.	RFA-3463-2011	RAJ PAL AND ORS.	STATE OF HARYANA & ORS.
63.	RFA-4361-2011	SURINDER SINGH AND ORS.	STATE OF HARYANA AND ORS.
64.	RFA-1980-2012	SHYAM LAL	STATE OF HARYANA AND ORS
65.	RFA-1981-2012	NARVEER SINGH AND ANR	STATE OF HARYANA AND ORS
66.	RFA-1982-2012	SUSHIL KUMAR AND ORS	STATE OF HARYANA AND ORS
67.	RFA-1983-2012	YOGESH KUMAR	STATE OF HARYANA AND ORS
68.	RFA-1984-2012	RASSAL SINGH AND OTHERS	STATE OF HARYANA AND OTHERS
69.	RFA-1985-2012	SURINDER SINGH AND ORS	STATE OF HARYANA AND ORS
70.	RFA-1986-2012	KRESHNI DEVI	STATE OF HARYANA AND ORS
71.	RFA-1987-2012	AJMER SINGH	STATE OF HARYANA AND ORS
72.	RFA-1988-2012	JASMER SINGH AND ORS	STATE OF HARYANA AND ORS
73.	RFA-1989-2012	BALDEV SINGH AND ORS	STATE OF HARYANA AND ORS
74.	RFA-1990-2012	OM PARKASH AND ORS	STATE OF HARYANA AND ORS
75.	RFA-1991-2012	KRISHAN KUMAR	STATE OF HARYANA AND ORS
76.	RFA-1992-2012	BALBIR SINGH	STATE OF HARYANA AND ORS
77.	RFA-1993-2012	BALBIR SINGH AND ORS	STATE OF HARYANA AND ORS
78.	RFA-1994-2012	BALBIR SINGH	STATE OF HARYANA AND ORS

79.	RFA-1995-2012	JASWINDER KUMAR AND ORS	STATE OF HARYANA AND ORS
80.	RFA-1996-2012	PURAN CHAND AND ORS	STATE OF HARYANA AND ORS
81.	RFA-1997-2012	KRISHAN CHAND	STATE OF HARYANA AND ORS
82.	RFA-1998-2012	VINOD KUMAR AND ORS	STATE OF HARYANA AND ORS
83.	RFA-1999-2012	SANJEEV KUMAR AND ORS	STATE OF HARYANA AND ORS
84.	RFA-2000-2012	CHANDER KALI	STATE OF HARYANA AND ORS
85.	RFA-2032-2012	STATE OF HARYANA AND ORS.	SHYAM LAL & ORS.
86.	RFA-2033-2012	STATE OF HARYANA AND ORS.	SUSHIL KUMAR
87.	RFA-2034-2012	STATE OF HARYANA AND ORS.	SHEO RAM
88.	RFA-2035-2012	STATE OF HARYANA AND ORS.	BALBIR SINGH
89.	RFA-2036-2012	STATE OF HARYANA AND ORS.	KRISHAN CHAND
90.	RFA-2037-2012	STATE OF HARYANA AND ORS.	VINOD SAHNI
91.	RFA-2038-2012	STATE OF HARYANA AND ORS.	SURINDER SINGH
92.	RFA-2039-2012	STATE OF HARYANA AND ORS.	BALBIR SINGH
93.	RFA-2040-2012	STATE OF HARYANA AND ORS.	SANJEEV KUMAR
94.	RFA-2041-2012	STATE OF HARYANA AND ORS.	OM PARKASH
95.	RFA-2042-2012	STATE OF HARYANA AND ORS.	KRESHNI
96.	RFA-2043-2012	STATE OF HARYANA AND ORS.	VINOD KUMAR
97.	RFA-2044-2012	STATE OF HARYANA AND ORS.	KRISHAN KUMAR
98.	RFA-2045-2012	STATE OF HARYANA AND ORS.	BALBIR SINGH

99.	RFA-2046-2012	STATE OF HARYANA AND ORS.	JASMER SINGH
100.	RFA-2047-2012	STATE OF HARYANA AND ORS.	CHANDER KALI
101.	RFA-2048-2012	STATE OF HARYANA AND ORS.	NARVEER SINGH
102.	RFA-2049-2012	STATE OF HARYANA AND ORS.	SANT RAM
103.	RFA-2050-2012	STATE OF HARYANA AND ORS.	DAYAL CHAND AND ORS
104.	RFA-2051-2012	STATE OF HARYANA AND ORS.	PURAN CHAND
105.	RFA-2134-2012	STATE OF HARYANA AND ORS.	BALDEV SINGH
106.	RFA-2135-2012	STATE OF HARYANA AND ORS.	JASWINDER KUMAR
107.	RFA-5771-2012	BALBIR SINGH AND ORS.	STATE OF HARYANA AND ORS.
108.	RFA-7176-2012	VINOD SAHNI AND ANR	STATE OF HARYANA AND ORS
109.	RFA-3247-2013	STATE OF HARYANA AND ORS.	AJMER SINGH
110.	RFA-3248-2013	STATE OF HARYANA AND ORS.	RASAAL SINGH
111.	RFA-3249-2013	STATE OF HARYANA AND ORS.	YOGESH KUMAR
112.	RFA-398-2014	STATE OF HARYANA	MOHINDER SINGH
113.	RFA-399-2014	STATE OF HARYANA	RANDHIR SINGH
114.	RFA-400-2014	STATE OF HARYANA	BHAGWATI
115.	RFA-401-2014	STATE OF HARYANA	MAYA RAM
116.	RFA-402-2014	STATE OF HARYANA	KAMLA DEVI
117.	RFA-403-2014	STATE OF HARYANA	BALBIR SINGH
118.	RFA-404-2014	STATE OF HARYANA	PARMAL
119.	RFA-405-2014	STATE OF HARYANA	RAJ KUMAR
120.	RFA-406-2014	STATE OF HARYANA	TELU SINGH
121.	RFA-407-2014	STATE OF HARYANA	MEGH PAL
122.	RFA-408-2014	STATE OF HARYANA	BHARAT SINGH
123.	RFA-409-2014	STATE OF HARYANA	LEELU SINGH
124.	RFA-410-2014	STATE OF HARYANA	JHANG SHER

125.	RFA-411-2014	STATE OF HARYANA	SHER SINGH
126.	RFA-753-2014	RAM KUMAR & ORS	STATE OF HARYANA & ORS
127.	RFA-754-2014	BALBIR SINGH & ORS	STATE OF HARYANA & ORS
128.	RFA-755-2014	RAJ KUMAR & ORS	STATE OF HARYANA & ORS
129.	RFA-756-2014	LEELU SINGH & ANR	STATE OF HARYANA & ORS
130.	RFA-757-2014	JANGSHER & ANR	STATE OF HARYANA & ORS
131.	RFA-758-2014	RAJ BALA	STATE OF HARYANA & ORS
132.	RFA-759-2014	RANDHIR SINGH & ORS	STATE OF HARYANA & ORS
133.	RFA-760-2014	JANGSHER & ANR	STATE OF HARYANA & ORS
134.	RFA-761-2014	PARMAL	STATE OF HARYANA & ORS
135.	RFA-762-2014	DHARAMBIR & ORS	STATE OF HARYANA & ORS
136.	RFA-2248-2014	TELU SINGH AND ORS	STATE OF HARYANA AND ORS
137.	RFA-4066-2014	STATE OF HARYANA & ORS	BHUPINDER SOIN & ORS
138.	RFA-4067-2014	STATE OF HARYANA & ORS	KULBIR SINGH
139.	RFA-4068-2014	STATE OF HARYANA & ORS	SUNDER KAUR
140.	RFA-4069-2014	STATE OF HARYANA & ORS	GURCHARAN SINGH
141.	RFA-4070-2014	STATE OF HARYANA & ORS	INDERJIT SINGH
142.	RFA-4071-2014	STATE OF HARYANA & ORS	SATINDER LAMBA AND OTHERS
143.	RFA-4072-2014	STATE OF HARYANA & ORS	ASHWANI KUMAR
144.	RFA-4073-2014	STATE OF HARYANA & ORS	JOGINDER BEDI
145.	RFA-4074-2014	STATE OF HARYANA & ORS	MOHANBIR

146.	RFA-4075-2014	STATE OF HARYANA & ORS	JASBIR SINGH
147.	RFA-4076-2014	STATE OF HARYANA & ORS	SURINDER KUMAR
148.	RFA-8906-2014	MEGH PAL @ MEGH RAJ & OTHERS	STATE OF HARYANA AND OTHERS
149.	RFA-405-2015	SATINDER LAMBA AND ANR	STATE OF HARYANA AND ORS
150.	RFA-406-2015	MOHANBIR SINGH @ MOHANBIR SINGH LAMBA	STATE OF HARYANA AND ANR
151.	RFA-3147-2015	KAMALJIT SINGH	STATE OF HARYANA & ORS
152.	RFA-3221-2015	PIARA SINGH	STATE OF HARYANA AND ORS
153.	RFA-3601-2015	STATE OF HARYANA & ORS	RAJINDER SINGH
154.	RFA-5052-2015	STATE OF HARYANA & ORS	KAMALJEET SINGH
155.	RFA-5637-2015	STATE OF HARYANA & ORS	PIARA SINGH

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: **For the Claimants/Landowners**

Mr. P.C. Dhiman, Advocate

(in RFA Nos. 3893 to 3895 of 2010)

Mr. R.S. Mamli, Advocate

(in RFA Nos. 753 to 762 of 2014)

Mr. Ashok Kumar Khubbar, Advocate

(in RFA Nos. 5202 of 2010; 3462 & 3463 of 2011; 887 and 888 of 2011)

Mr. Robin Dutt, Advocate

(in RFA Nos. 3296 & 3297 of 2010, 3147 and 3221 of 2015)

Mr. Brijender Kaushik, Advocate

(in RFA Nos. 4361 of 2011, 5195 to 5197 & 5353 to 5355 of 2010 for the appellants and in RFA Nos. 2564 to 2570 of 2010 for the respondents)

Mr. G.C. Shahpuri, Advocate

(in RFA Nos. 4653 to 4655, 2592, 2616 and 2621 of 2010)

Mr. Uday Chauhan, Advocate

(in RFA No. 8906 of 2014 for the appellants and in RFA Nos. 398, 401, 407 of 2014 for the respondents)

Mr. Viney Saini, Advocate

(in RFA Nos. 2037, 2047 and 7176 of 2012)

Mr. Jastej Singh, Advocate

(in RFA Nos. 5300 of 2010; 1037 to 1042 & 2280 of 2011; 1980 to 2000 and 5771 of 2012)

Mr. Yashvinder Singh, Advocate

(in RFA No. 2248 of 2014)

Mr. Ranjit Saini, Advocate

(in RFA Nos. 5164 to 5166 of 2010)

For the State of Haryana

Mr. Sudeep Mahajan,

Additional Advocate General, Haryana, with

Mr. Abhinash Jain,

Assistant Advocate General, Haryana.

ARUN PALLI, J. (ORAL)

Vide this judgment I shall decide a batch of 155 appeals, of which 85 appeals have been filed by the State of Haryana and 70 appeals have been preferred by the claimants/landowners. For, the matter arises out of the same acquisition and the question that requires determination in these appeals is common, thus, these are being disposed of by a common judgment. However, by consensus the facts are being culled out from RFA No. 3894 of 2010.

Vide a notification issued under Section 4 of the Land Acquisition Act, 1894 (for brevity, 'the Act'), published on 13.10.2004, the land that formed part of six villages, i.e. Kalanpur (HB No. 461), Sialba (HB No. 460), Faridpur (HB No. 452), Daulatpur Malyan (HB No. 453), Uncha Chandna (HB No. 456) and Jhar Chandna (HB No. 450), was sought to be acquired for construction of 'Shahbad Feeder', by the Irrigation Department of the Government. The final declaration under Section 6 of the Act was

made on 18.3.2005. The Land Acquisition Collector though vide separate awards, assessed the market value of the acquired land for all the villages at Rs. 5,00,000/- per acre. Being aggrieved of the assessment and the compensation awarded by the Collector, the claimant/landowners filed objections under Section 18 of the Act, and prayed for a reference to the Civil Court. The Reference Court, on an analysis of the material and evidence on record, reached a conclusion that the sale instances that were being relied upon by the claimant/landowners could never be taken into account, for, these were of an extremely small or a negligible area. Further, as those were of another village. As a result, the Reference Court relied upon an earlier award dated 16.1.2010 (Ex. P-3), vide which the value of a land situated in village Darajpur, which too was acquired for the same purpose, was assessed at Rs. 8,00,000/- per acre. For, both the villages i.e. Darajpur and Kalanpur (under acquisition in the present proceedings) were contiguous, and there was hardly any time difference between the two notifications issued under Section 4 of the Act in both the proceedings. Accordingly, the claimant/landowners were awarded compensation in terms of the award dated 16.1.2010 (Ex. P-3) rendered by the Reference Court, except an award dated 28.1.2015 (being assailed in RFA Nos. 3147 and 3221 of 2015), vide which the Reference Court had assessed compensation at Rs.16,50,000/- per acre. That is how, as indicated above, both the parties are in appeals before this Court. Of course, the State has prayed to set aside the award, whereas the claimant/landowners seek further enhancement.

Learned counsel for the claimant/landowners submit in unison

that all what form basis of the compensation awarded by the Reference Court is its previous award/judicial pronouncement (Ex. P-3), vide which the market value of the acquired land was assessed at Rs. 8,00,000/- per acre. And, in the appeals preferred against the said award (Ex. P-3), this Court had further enhanced the compensation to Rs. 2,887/- per Sq. Mtr., vide order and judgment dated 5.5.2016 rendered in RFA No. 3356 of 2010 (State of Haryana and others v. Santokh Singh and others) and other connected matters. Therefore, the claimant/landowners even in the present appeals are also entitled to the same compensation.

Per contra, Mr. Sudeep Mahajan, learned Additional Advocate General, Haryana, submits that the claim of the landowners that they too are entitled to the same compensation as awarded by this Court in the case of Santokh Singh (supra), is wholly misconceived. For, the decision rendered by this Court in the said case was in turn based on another decision of this Court, dated 4.10.2012, rendered in RFA No. 1955 of 2005 (Swaran Singh v. State of Haryana), vide which this Court had assessed the value of the land that formed part of the villages Bhatauli and Khera, and since in the case of Santokh Singh (supra), a part of the land was also situated in village Khera, this Court awarded the same compensation to the claimant/landowners in the case of Santokh Singh (supra) as was awarded by this Court in the case of Swaran Singh (supra). Thus, he submits that land situated in village Khera was the common factor in both the proceedings, which is not the position in matter in hand, for, the acquired land in the present acquisition formed part of six other villages. Rather, he seeks to suggest that since the acquired land

in the case of Swaran Singh (supra) was situated within the municipal limits, and was acquired for police line and quarters for police staff, the claimant/landowners even in Santokh Singh's case (supra) were not entitled to the same compensation, for, the land under acquisition in the case of Santokh Singh lay beyond the municipal limits, and was hardly a comparable instance.

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

Concededly, vide notification under Section 4 of the Act, dated 13.10.2004, a land that formed part of the revenue estates of six villages, i.e. Kalanpur, Sialba, Faridpur, Daulatpur Malyan, Uncha Chandna and Jhar Chandna, was acquired for construction of Shahbad Feeder. It is the common case of the parties that the Land Acquisition Collector assessed the value of the acquired land for all the villages at the rate of Rs. 5,00,000/- per acre. In the absence of any cogent or credible evidence on record, the Reference Court relied upon its previous award/judicial pronouncement dated 16.1.2010 (Ex. P-3) vide which the value in respect of a land in village Darajpur was assessed at Rs. 8,00,000/- per acre. Both the villages, i.e. Darajpur and Kalanpur, one of the villages in the present acquisition, were '*adjacent*' and '*abut*' each other. The purpose of acquisition in both the proceedings was common, i.e. for construction of Shahbad Feeder. The notification under Section 4 of the Act in the earlier proceedings was issued on 20.9.2004 and in the acquisition in question, less than a month thereafter on 13.10.2004. Indisputably, in the appeals preferred against the award

dated 16.1.2010 (Ex. P-3) [Satpal and another v. State of Haryana and another (LAC Case No. 6 of 24.8.2006)], this Court, vide its judgment dated 5.5.2016 rendered in Santokh Singh (supra), enhanced the compensation to Rs. 2,887/per Sq.Mtr. Significantly, this was never the case of the State, at any stage, that land situated in village Darajpur was incomparable with the land that formed part of village Kalanpur, owing to its quality, character and value. In fact, I am reminded to point out that even in the earlier acquisition, initiated pursuant to the notification under Section 4, dated 20.9.2004, a part of the acquired land also formed part of the revenue estate of village Kalanpur itself. And, much before the Reference Court rendered an award in this case on 13.03.2010, vide an award dated 27.01.2010 [Hazara Singh v. State of Haryana and others (LAC Case No. 150 of 15.3.2007)], the Reference Court assessed the value of the land situated in village Kalanpur at Rs. 8,00,000/- per acre. Thus, the issue as regards true value of the acquired land in the case of Santokh Singh (supra) was not only confined to village Khera but also to many other villages, including Darajpur and Kalanpur, and the Court had uniformly awarded the compensation to all the claimant/landowners at the rate of Rs. 2,887/- per Sq.Mtr. Thus, the argument that has been advanced by learned State counsel that the decision rendered by this Court in the case of Santokh Singh (supra) would have no bearing in these proceedings, pales into insignificance. *Ex facie*, on a comprehensive analysis of the material and evidence on record, this Court in Santokh Singh's case (supra) had assessed and determined the true value of the land that formed part of the revenue estate of village Kalanpur.

Therefore, one wonders as to how the State could still seek re-evaluation or re-assessment of the value of the land situated in the same village.

Likewise, the submission of learned State counsel that since the acquired land in the case of Swaran Singh (supra) was far more prime and valuable than the land that was subject matter of assessment in the case of Santokh Singh (supra) and, therefore, the claimant/landowners even in the case of Santokh Singh were not entitled to the same compensation, lacks conviction, for, no such issue arises in the matter in hand. Needless to assert that, if the State is aggrieved by the assessment and the compensation awarded by this Court to the claimant/landowners in the case of Santokh Singh (supra), it may resort to the remedies as admissible in law. The fact remains, what indeed is required to be determined in these appeals is the market value of the land that formed part of the revenue estate of village Kalanpur and five other villages. And, concededly this Court vide its judgment dated 5.5.2016 in the case of Santokh Singh (supra) has already assessed and evaluated the true value thereof.

Faced with this, what is sought to be urged by the learned State counsel is that at best the claimant/landowners, whose land was situated in village Kalanpur, could claim the same compensation as awarded by this Court in the case of Santokh Singh (supra), for, the land situated in other five villages was never a subject matter of assessment in the said case. Even that would not advance the case of the State a bit. What needs to be noticed is that the Collector himself had assessed the market value of the acquired land, situated in all the six villages, uniformly at Rs. 5,00,000/- per acre,

which, rather, substantiates that there was no difference, in terms of quality and value, in the land that formed part of village Kalanpur and the rest five villages. For, otherwise, there was no occasion for the Collector to award the same compensation to all the claimant/landowners. Even otherwise, neither any evidence was led in this regard nor any such argument was advanced before this Court.

In conspectus of the above, the only and inevitable conclusion one could reach is that the claimant/landowners in these appeals are entitled to the same compensation as has already been awarded by this Court, vide judgment dated 5.5.2016 in the case of Santokh Singh (supra). As a result, the appeals preferred by the claimant/landowners are allowed in terms of the decision of this Court in the case of Santokh Singh and the award rendered by the Reference Court is accordingly modified. And, as a necessary consequence the appeals filed by the State are dismissed. However, there shall be no order as to costs.

(ARUN PALLI)
JUDGE

January 19, 2017
Pkapoor

Whether Speaking/Reasoned:
Whether Reportable:

YES / NO
YES / NO