

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-1082-2017

Date of Decision: August 08, 2017

Gurdeep Singh and another

...Appellants

Versus

The Land Acquisition Collector-cum-ACA PUDA, Ludhiana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. H.S. Dhindsa, Advocate, for the appellants.

Ms. Ruksaar Sandhu, AAG, Punjab,
for respondent Nos. 1, 3 and 4.

Mr. Karan Gupta, Advocate,
for respondent No. 2-GLADA.

ARUN PALLI, J. (ORAL)

The claimant/landowners are in appeal against the award, dated 17.03.2016, rendered by the Reference Court, vide which their claim under Section 18 of the Land Acquisition Act, 1894 (for short, 'the Act'), has since been dismissed.

The facts that are required to be noticed are limited.

Vide notification, dated 12.05.2003, issued under Section 4 of the Act, a land measuring 11Acres, 3Kanals and 9Marlas, situated in village Phullanwal, District Ludhiana, was sought to be acquired for construction and development of missing road link in Urban Estate Phase-III, Dugri to Pakhowal Road, Ludhiana. The final declaration under Section 6 of the Act was published on 13.05.2003. The Land Acquisition Collector vide award

dated 24.08.2005, assessed the value of the acquired land at Rs.630/- per

square yard. Since the total land holding of the appellants was 515 square yards, they were allotted a plot measuring 500 square yards in lieu of the acquisition of their holding. And for the balance 15 square yards, compensation @ Rs.630/- per square yard was awarded. Additionally, the claimants were also held entitled to a sum of Rs.9,34,950/- for the superstructure constructed upon an area measuring 3432.66 square feet. Being dis-satisfied with the assessment as also the compensation assessed by the Collector, the claimants filed objections under Section 18 of the Act. Resultantly, the dispute was referred to the Civil Court for determination of the true value of the acquired land as also the superstructure. However, the Reference Court on a consideration of the matter and the evidence on record, dismissed the claim of the appellants, which is why, as indicated earlier, the claimant/landowners are before this Court.

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

Concededly, no sale deed/sale instance was brought on record by the claimant/landowners in support of their claim for further enhancement in the compensation for the acquired land. Even as regards enhancement in the value of the superstructure, neither did they produced any evaluation report or examined any building expert. Likewise, even to substantiate their claim that they indeed were entitled to compensation for superstructure upon an area measuring 4635 square feet, nothing was brought on record to show that the construction raised by the appellants actually existed upon an area measuring 4635 square feet and not just 3432.66 square feet. Needless to assert that if the appellants had indeed

constructed upon the area beyond 3432.66 square feet or on the entire area

i.e. 4635 square feet, they could have always produced the site plan approved by the Municipal Corporation, Ludhiana, before any such construction was raised. In short, the matter in hand is a case of no evidence and, thus, the claim of the appellants remained unsubstantiated. On being pointedly asked, learned counsel for the appellants could not show as to how the conclusion arrived at by the Reference Court was either contrary to the record or suffer from any material illegality. That being so, the only and the inevitable conclusion that could be reached was; the objections filed by the appellants under Section 18 of the Act were devoid of merit and, thus, liable to be dismissed.

Accordingly, the appeal fails and the same is dismissed.

(ARUN PALLI)
JUDGE

August 08, 2017
Pkapoor

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