

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No.1604 of 2017 (O&M)
Date of Decision : 22.08.2017.

Smt. Asha Rani through its legal heir Anil Kumar Sharma

.....Appellant

Versus

Punjab State through Collector, Gurdaspur and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. R.S.Manhas, Advocate for the appellant.

ARUN PALLI, J. (Oral)

CM-4110-CI-2017

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed, subject to all just exceptions. Accordingly, legal representative of late Asha Rani, who is stated to have died on 08.12.2004, as depicted in paragraph 2 of the application is brought on record for the purpose of pursuing the present appeal only.

RFA-1604-2017

The claimant-landowner is in appeal against the award dated 12.12.2003, rendered by the reference Court, vide which, her claim under Section 18 had since been dismissed.

Vide notification, dated 18.08.1995, issued under Section 4 of the Land Acquisition Act 1894 (for short 'the Act'), a land situated in village Phangota Khas, Tehsil Dhar Kalan, District Gurdaspur was sought to be acquired for construction of reservoir at Ranjit Sagar Dam. A final

declaration under Section 6 was issued on 28.8.1996. The Land Acquisition Collector assessed the value of the acquired land as also the superstructure vide award, dated 10.07.1998. The appellant being aggrieved by the compensation awarded by the Collector qua the construction or the structure she had raised, filed objections under Section 18. As a result, the dispute was referred to the Civil Court for determination of the true value of her structure. But as the appellant failed to lead any evidence, her claim was declined by the reference Court. That is how, as indicated above, the appellant is before this Court.

Concededly, the Land Acquisition Collector had rendered an award as back as on 10.07.1998. Despite numerous opportunities afforded to the appellant she failed to lead any evidence in support of her claim. So much so, she did not even choose to appear as her own witness. Thus, the Court was choice-less but to close her evidence by order. For, in the absence of any evidence the claim of the appellant remain un-substantiated, the only and the inevitable conclusion that the reference Court could reach; decline the claim of the appellant for further enhancement. Even in the grounds of appeal nothing is indicated that if the appellant is granted another opportunity as to what evidence she prove to led in support of her claim. Nothing is brought on record of this appeal either. Not just that the impugned award was rendered as back as on 12.12.2003. The appellant did not question the award for a period of almost 10 years. The appeal was filed on 6.6.2014, with an application under Section 5 of the Limitation Act to condone the delay of 3453 days. Rather, it appears that the objections filed

by the appellant under Section 18 as also the present appeal is merely speculative in nature and is an after thought. On being pointedly asked, learned counsel for the appellant could not point out as to how the conclusion arrived at by the reference Court is either contrary to the record or suffered from any material illegality.

Thus, the appeal is being devoid of merit, is accordingly dismissed.

CM-4109-CI-2017 and CM-4111-CI-2017

For, vide order of an even date, I have dismissed the appeal on merits, no separate order is required to be passed in the applications.

22.08.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No