

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**RFA No.324 of 2017 (O&M)
Date of Decision : 11.10.2017**

Smt. Vinod Kumari

.....Appellant

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Vaneet Kumar Sharma, Advocate for the appellant.

ARUN PALLI, J. (Oral)

CM-904-CI-2017

Allowed as prayed for.

RFA No. 324 of 2017

The landowner is in appeal against the award dated 13.01.2014, rendered by the reference Court. Vide notification dated 27.08.1981, issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act'), a land situated in village Bhainsa Tibba, HB No.377, Tehsil and District Panchkula was sought to be acquired for development and utilization of land as residential, commercial in Urban Estate, Panchkula. Declaration under Section 6 was published on 10.01.1983. The Land Acquisition Collector assessed the value of the acquired land. However, being aggrieved by the assessment as also the compensation, the claimant/landowner filed filed objection under Section 18 to the award rendered by the Collector. Resultantly, the dispute was referred to the Civil Court for determination of

the true value of the acquired land. The reference Court, vide impugned award, dated 13.01.2014, had enhanced the compensation to Rs.250/- per square yard. That is how, as indicated above, the claimant/landowner is in appeal before this Court.

Ex facie, all what forms basis of the assessment and the compensation awarded by the reference Court is the order and judgment, dated 22.02.2010 (Ex.R1), rendered by this Court, in RFA No.426 of 1994 (Kashmiri Lal and others Vs. State of Haryana and another), vide which, this Court had assessed the value of the land situated in the adjoining/adjacent village namely Judian, Tehsil Kalka District Panchkula at Rs.250/- per square yard. Even the notification under Section 4 in the case of Kashmiri Lal and others (supra) was issued on the same date i.e. 27.08.1981 and for the same purpose. In the absence of any sale deeds/sale instances brought on record by the claimant/landowner or any other cogent evidence, the reference Court relied upon the judgment rendered by this Court (Ex.R1) and assessed the compensation accordingly. Rather, in the given situation, the decision rendered by this Court (Ex.R1) was not only the most suitable but also the safest mode to assess the value of the acquired land. On being pointedly asked, learned counsel for the appellant could not show as to how the conclusion arrived at by the reference Court was either contrary to the record or suffered from any material illegality. No argument was advanced.

That being so, the only and the inevitable conclusion that could be reached; the appeal being devoid of merit is accordingly dismissed.

CM-903-CI of 2017

This is an application seeking condonation of delay of 852 days in filing the accompanying appeal. For, vide an order of an even date, I have heard and decided the appeal on merits. No formal order is necessary/required to be passed in this application and the same is accordingly disposed of.

11.10.2017
Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No