

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

R.A. No. 111-CI of 2016 (O&M) in
R.F.A. No. 27 of 2004

Date of decision : 20.1.2017

Dev Raj and others Applicants
vs
Punjab State and others ... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. R. S. Manhas, Advocate, for the applicants-appellants.
Mr. Jagmohan Bansal, Additional Advocate General, Punjab.

Rajesh Bindal J.

The prayer in the present review application filed by the landowners is for modification of the order dated 16.9.2015 passed by this Court dismissing the appeals filed by the applicants/landowners and the State in terms of the judgment in RFA No. 897 of 1996 – Punjab State and others vs Ram Singh and others.

Briefly, the facts of the case are that State of Punjab vide notification dated 23.12.1994, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') sought to acquire land and the superstructure existing thereon in village Sarti Teeka Patranlawan, District Gurdaspur, for reservoir for Ranjit Sagar Dam. It was followed by notification under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') vide award dated 26.11.1997, assessed the compensation at ₹ 55,041/- for the acquired structure after applying cut of 58%. Aggrieved against the award of the Collector, the landowners filed objections. On reference, the learned Reference Court vide award dated

17.9.2003, dismissed the objections filed by the landowners.

This Court vide judgment dated 16.9.2015 dismissed the appeal filed by the landowners in terms of judgment passed in Ram Singh's case (supra).

Against the judgment of this Court, the applicants-landowners have now filed Review Application seeking modification of the award.

Learned counsel for the applicants-appellants submitted that in Ram Singh's case (supra) the issue was for determination of compensation for the acquired land, whereas in the present case the issue is for determination of compensation for the structure existing on the acquired land. He further submitted that at the time of arguments it could not be pointed out that the appeal filed by the landowners was for enhancement of compensation for the structure acquired along with the land. The prayer is that the amount of compensation as awarded by the Collector for the acquired superstructures is not just and fair keeping in view the prices of the raw material. The evidence led by the appellants was totally ignored. It was further submitted that this court in number of cases has awarded 25% increase to the landowners on the value of the superstructures assessed at PWD rates.

Learned counsel for the State could not dispute the fact that the issue involved in the present case is for determination of compensation for the acquired structure. However, he submitted that just and fair compensation has been awarded by the Collector. He further submitted that the evidence was appreciated by the learned Reference Court and no case for enhancement of compensation for the superstructure existing on the acquired land is made out.

Heard learned counsel for the parties and perused the paper book.

This Court while deciding the bunch of appeals pertaining to land of different villages acquired vide different notifications issued under Section 4 of the Act had dismissed the appeals filed by the landowners and of the State. It was not pointed out by counsel for the parties at the time of arguments that the present appeal pertained to assessment of compensation for the structures existing on the acquired land.

The appellants have produced in evidence estimates in support of their claim. Nothing has been explained on what basis the estimates have been prepared. To assess the compensation on account of acquisition of superstructures, it is always that some rough estimate is made by applying a thumb rule. The assessment in such cases cannot be made with mathematical precision. The fact is that the landowners always make exorbitant claims for the superstructures whereas the State estimates the value thereof at its lowest price. This court in various judgments had been granting 25% increase on the value of superstructures existing on the acquired land as a thumb rule. Reference in this regard can be made to judgment of this court in RFA No. 579 of 2006 Smt. Akko Devi and others vs Union Territory, Chandigarh and another, decided on 1.10.2008.

Considering the aforesaid facts, in my opinion, the order passed by this Court in the case of the applicants/landowners on 16.9.2015 deserves to be modified.

Accordingly, I deem it appropriate to follow the same principle and award increase @ 25% over and above the amount awarded by the Collector for the superstructure existing on the acquired land along with

statutory benefits, if any admissible. The order passed by this Court in the main appeal on 16.9.2015 is modified accordingly.

Ordered accordingly.

The review application stands disposed of.

20.1.2017
vs

(Rajesh Bindal)
Judge

Whether speaking/ reasoned
Whether Reportable

Yes/No
Yes/No