

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

363

FAO No.1757 of 1994 (O&m) and
XOBJC-9-CII-2005
Date of Decision : 26.2.2018

District Magistrate, Faridkot

....Appellant

VS

M/s DCM Limited Kanchanjunga Building

....Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Ajay Pal Singh Gill, DAG, Punjab
for the appellant.

Mr. O.P.Sharma, Advocate
for the respondent/cross objector.

AJAY TEWARI, J.(Oral)

This appeal has been filed against the award of Additional District Judge, Faridkot whereby had awarded monthly compensation of Rs.1,43,000/- per month for the occupation of the property of the respondent by the paramilitary forces. The respondent has also filed cross-objections.

The brief facts of the case are that the respondent owned 13 Acres of land within the municipal limits on the national highway in Malout in which they had constructed factory shed, godowns, office and residential quarters. The same was requisitioned by the appellant under the Punjab Requisition and Acquisition of Immovable Property Act, 1953 and the matter related to the compensation payable for the same. During the proceeding before the Additional District Judge(Arbitrator) the respondent led evidence which showed that godowns on the same road (within a few hundreds meters) had been let out to the FCI at the rate of

0.74 paisa per month per square feet, another building on the same road and about also within a few hundred meters had been let out to the bank at the rate of 1.50 paisa per month per square feet and some open plinths also had been let out at the rate of 0.30 paisa per month per square feet. On the other hand, the appellant examined the SDO who had made the original assessment as Rs. 33,600/- per month. The SDO admitted that at the time when he went to examine the premises he neither associated the respondent nor he found out from the locality what were the prevailing rents. In view of this evidence, the Arbitrator accepted the evidence given by the respondents and fixed monthly compensation at the rate of 1.50 paisa per month per square feet for the office and residence, at the rate of 0.74 paisa per month per square feet for the godowns and at the rate of 0.30 paisa per month per square feet for the cemented/road area. For the remaining open area the Arbitrator awarded 0.15 paisa per month per square yard. Learned Deputy advocate General has not been able to show me how this assessment was faulty in any manner. Even Mr. O.P.Sharma, Advocate counsel for the respondents who has filed cross-objections has not been able to justify any further increase.

In the circumstance, the appeal alongwith cross-objections stands dismissed.

Since the main case has been decided, the pending C.M, if any, also stand disposed of.

26.2.2018
anuradha

(AJAY TEWARI)
JUDGE

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