

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

RFA No.621 of 1991

Thakar Singh

... Appellant

Versus

Union of India and others

... Respondents

(2)

RFA No.623 of 1991

Lajwanti and others

... Appellants

Versus

Union of India and others

... Respondents

Decided on : 18.12.2018

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Sanjeev Manrai, Senior Advocate with
Mr. Ajay Parmar Singh, Advocate for the appellants.

None for the respondents.

G.S. Sandhawalia, J. (Oral)

The present appeals filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') arise out of the Award of the Reference Court, Gurdaspur dated 21.03.1990.

The Reference Court has granted increase of 15% premium on Barani I type of land and granted ₹16,000/- per acre for the said land. The prayer for uniform rate was not accepted by holding that the entire land could not be fit for cultivation and could not be equated with the Barani I and Barani II type of land. The Reference Court had placed reliance upon

Ex.R5 and Ex.R6 pertaining to villages Athotarwan and Jandwal to hold that the entire land could not be assessed at a uniform rate, in spite of the fact that the Dalhousie Road crosses the revenue estate of the village. It was also held that there was no influx to the outside business complex to attract the investors. Resultantly, the enhancement in comparison to the one awarded by the Land Acquisition Collector which was awarded on 19.09.1985 and by the Reference Court on 21.03.1990, would be clear from the table given below:-

Sr. No.	Type of land	Amount awarded by the LAC in ₹ per acre	Amount awarded by the Reference Court in ₹ per acre
1.	Barani I	6,200/-	16,000/-
2.	Barani II	5,000/-	15,000/-
3.	Barani III	4,000/-	14,000/-
4.	Banjar Jadid	3,000/-	7,000/-
5.	Banjar Qadim	3,000/-	7,000/-
6.	Gair Mumkin	2,000/-	4,000/-
7.	Gair Mumkin Abadi	6,200/-	16,000/-

Counsel for the appellant has submitted that the Award passed in **LA Case No.191 of 1986 'Jaimal Singh Vs. Union of India and others'** decided on 27.01.1989 (Ex.A1) was wrongly distinguished on the ground that the site plan has not been filed to show the comparative location of the disputed land and the land covered in that Award and neither any sale deed had been filed. It is further pointed out that the said award has been upheld and the appeals of the Union of India had been dismissed in **RFA No.1399 of 1989 'The Union of India and others Vs. Jaimal Singh and others'** decided on 28.03.2011 upholding ₹21,000/- per acre awarded by the same Reference Court. It is further

pertinent to notice that the appeal filed against the same bearing **SLP Nos.034256-034265 of 2013** has been disposed of by the Apex Court on 26.04.2017.

Counsel for the Union of India is not present in spite of the appeals having been listed for the last one week to show that whether the said finding has been modified or not. Even otherwise, this Court is of the opinion that the reasoning given by the Reference Court is without any justification, specially considering the fact the officer was the same. Once the acquisition was of the land of the same village and was for the same purpose, namely, for setting up of the Mamoon Complex for Defence purpose, whereby an area of 589.34782 acres in the revenue estate of village Bungal, Hadbast No.390, Tehsil Pathankot was acquired, vide the notification dated 17.11.1979. It was large compact block as such and, therefore, to classify the land as per the revenue record was not justified in the facts and circumstances.

In '**Subh Ram Vs. State of Haryana and another**' 2010 (1) **SCC 444**, it was held that the land was being acquired for residential lay out, the uniform rate of compensation was to be awarded for all land acquired under the same notification. In '**Trishala Jain and another Vs. State of Uttaranchal and another**' 2011 (6) **SCC 47**, the land was being acquired for the purpose of setting up of a Government Polytechnic Institute and, accordingly, the belting system which had been adopted was done away.

A Coordinate Bench of this Court, for the same village in

another set of appeals in **RFA No.921 of 1992 'Jaswant Singh @ Jagat Singh and others Vs. Union of India and others'** decided on 17.09.2012, has upheld the uniform rate of compensation of ₹21,000/- per acre, which was granted by the Reference Court on 22.07.1988 and it is difficult for this Court to set a different parameter, which has wrongly been applied to deny the benefit to the landowners of the same village and award lesser compensation.

Resultantly, the present appeals are allowed by granting the landowners the same amount of compensation @ ₹21,000/- per acre alongwith all statutory benefits.

DECEMBER 18, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No