

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

RFA No. 2486 of 2003 (O & M)

Date of decision: 28.08.2018

U.T., Chandigarh

....Appellant(s)

Versus

Khewatdars of both the Pattis of village Maloya, U.T., Chandigarh

...Respondent(s)

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

Present: Mr. Suvir Sehgal, Sr. Standing Counsel,
with Mr. Tarun Walia, Advocate,
and Mr. Aditya Pal Singla, Advocate,
for the appellant.

G.S.SANDHAWALIA, J. (Oral)

Applications for Making Good Deficiency of Court Fee

Applications for making good deficiency of Court fee are allowed, in view of averments made in the applications duly supported by affidavits.

RFA No. 2486 of 2003

The present order shall dispose of 5 appeals filed under Section 54 of the Land Acquisition Act, 1894 i.e. RFA Nos. 2484 to 2488 of 2003 filed by Union Territory, Chandigarh, which all arise out of the order of the Reference Court, Chandigarh dated 12.11.2002 whereby, compensation has been enhanced to Rs. 2,24,000/- per acre from Rs. 85,000/- per acre.

The notification in question is dated 04.02.1988 and the land falls in village Maloya, U.T., Chandigarh, which is acquired for the Site and Service Scheme. The Reference Court, while enhancing the amount placed reliance upon an earlier decision in LAC Case no. 44 of 03.05.1981, ***Amrao Singh and others vs. U.T., Chandigarh*** decided on 04.02.1997 wherein a sum of Rs.2,00,000/- per acre had been fixed as the market value. The Reference Court accordingly granted the benefit of 12% increase as general appreciation by placing reliance upon the judgment of this Court in ***Balbir***

Kaur and others vs. The Collector, Land Acquisition Colonization Department, Punjab, Chandigarh and another, 1994 (2) PLR 465.

Mr. Sehgal has fairly pointed out that the land owner in *Amrao Singh's case (supra)* had preferred RFA No. 2002 of 1997 which was decided on 27.10.2010 and the sum of Rs.2,00,000/- granted was upheld in terms of the decision passed in ***RFA No. 259 of 1997, Jit Ram and others vs. U.T., Chandigarh.***

A perusal of the said order would go on to show that in *Jit Ram's case (supra)*, the Co-ordinate Bench dealt with two acquisitions dated 16.01.1987 and 13.08.1987 of the same revenue estate Village Maloya, U.T., Chandigarh. It was noticed that on an earlier occasion, the land had been acquired vide notification dated 09.11.1987 for dumping ground for refuse and debris in which also, Rs.2,00,000/- per acre has been awarded in ***RFA No. 2120 of 1995, Smt. Maya Devi and another vs. Union of India*** decided on 20.10.2008. The location of the land was also assessed to come to a conclusion that the land in *Jit Ram's case (supra)* was better placed as it was on this side of the Patiala Ki Rao (a seasonal rivulet) and the sum of Rs.2,00,000/- per acre awarded was upheld while dismissing the appeals of the land owners.

Counsel for U.T. could not point out that the said award was challenged by the U.T., Chandigarh which has, thus, accepted the market value fixed for village Maloya for the year 1987. A perusal of the said order would also go on to show that even for the two acquisitions in question, the Land Acquisition Collector had also determined the market value at Rs.85,000/- per acre which has also been done in the present case. The difference of acquisition inter se as such is, thus, just over an year and, therefore, the 12% appreciation which has been granted cannot be faulted in view of the judgment of the Apex Court in ***G.M., Oil and Natural Gas Corporation Ltd. vs. Rameshbhai Jivanbhai Patel and another, (2008) 14 SCC 745*** wherein, it has been held that the said appreciation is to be granted if the land is situated in an urban area as there would be potential for increase. Undisputedly, the land is part of the developed area and also been acquired for the Site and Service Scheme and, therefore, falls in the planned area of Chandigarh and the 12% increase which has been granted for one

year cannot be faulted in any manner.

Resultantly, the findings which have been recorded are based on the settled principle as such as the award of the same village is a relevant piece of evidence and has rightly been taken into consideration by the Reference Court.

Accordingly, there is no merit in the present appeals and the same are dismissed.

28.08.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No