

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

--

R.F.A No. 491 of 1998 (O&M)

Date of decision: 21.02.2018

Sheo Dan Singh & Ors.

...Petitioners

Vs.

State of Haryana & Ors.

...Respondents

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

Present: Mr. C.B.Goel, Advocate, for the appellants.

Ms. Safia Gupta, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

This judgment would dispose of R.F.A bearing Nos. 491 and 495 of 1998 alongwith cross-objections No. 71-CI of 1998 filed by Ram Saran and RFA No. 828 of 2001 which have been filed under Section 54 of the Land Acquisition Act, 1894.

The awards in question have been passed by the Reference Court at Gurgaon, and are dated 20.01.1998 in the first two RFAs and cross-objections, whereas the last award is dated 06.12.2000 in RFA No. 828 of 2001. The Reference Court has granted a sum of Rs.2 lakhs per acre as compensation for the land which was notified for acquisition on 27.10.1988 under Section 4 and on 03.07.1989 under Section 6. The purpose was common which was for establishment of the training centre for recruits of Border Security Force and a large chunk of land measuring 1275 Kanals and 4 marlas had been acquired and the award No. 4 was dated 14.11.1990. The Collector had awarded compensation as to the type of land as under apart

from granting the values of the building structure etc:-

“Chahi	Rs.1,00,000/- per Acre
Bhood	Rs. 80,000/- per Acre
Banjar	Rs. 70,000/- per Acre
Gair Mumkin	Rs. 60,000/- per Acre.”

Keeping in view the earlier award passed in **Dr. Subhash Chand Vs. State of Haryana & Ors.**, on 29.11.1997, Ex. R/1 whereby for the same acquisition a sum of Rs.2 lakhs has been granted, the award dated 09.05.1992 whereby market value was assessed at Rs.450/- per sq. yard in the case of M/s Aravali Krishi Anuvanshak Ltd. & Ors. Vs. State of Haryana was disregarded on account of finding that even in Dr. Subhash Chand's case, the said award had not been followed.

The reason is justified in as much as that award Ex.P/1 already stands set aside in RFA No. 2107 of 1992 on 24.02.2003, and therefore, the view which has been taken as such cannot be faulted. The only benefit the appellants can claim enhancement is that Ex.R/1 itself was modified by this Court in RFA No. 589 of 1998 thereby enhanced compensation to the tune of Rs.2,52,800/- was ordered on 23.02.2003.

As noticed, the acquisition was for the same purpose and therefore once uniform compensation has already been given which would be a relevant piece of evidence all the landowners similarly situated would be entitled for the same benefit. The relevant portion of RFA No.589 of 1998 in Dr. Subhash Chand's case reads as under:-

“ *The average taken on all the sale-deeds which relate to the early 1989 period comes to Rs.3,15,172.85 paise rounded*

to Rs.3,16,000/- per acre. The factors which have to be kept in mind by the Court are that they relate to village Bhondsi and the land acquired is comparatively of much larger size than the piece of lands to which these exhibits relate. The claimants also did not prove on record as to the distance and location of the land to which these exhibits relate. After taking the average of the above exhibited sale-deeds and keeping in mind another material fact that all sale deeds are more than four to six months subsequent to the date of notification, size of the land, acquisition by the Government for determination purposes and particularly for establishment of B.S.F Training Centre and the areas already in their occupation. It would be fair and reasonable to reduce the compensation payable by 20%. Thus, even on this basis the compensation awardable to the claimants can be computed to be Rs.2,52,800/- again and of course to the reasoning given hereafter.”

It is also a matter of record that the appeal filed against the said award in LPA No. 475 of 2003 was dismissed on 20.07.2005 as not maintainable by the Division Bench of this Court. Counsel of the appellant could not point out that any further enhancement has been granted in Dr. Subhash Chander's case (supra). Therefore, landowners would be entitled for the same compensation alongwith all statutory benefits.

The appeals are accordingly allowed and enhancement is granted to Rs.2,52,800/- per acre. Similarly the cross-objections of respondent No.3 Lakhi Singh are also allowed in the same terms and he

shall also be bound by the judgment dated 22.04.1995 passed by Additional District Judge by deciding their reference petition under Section 30 which apportioned the amount of compensation inter se Ram Sharan, Lakhpat Singh and Raj Singh on one hand and Lakhi Singh and Mahavir Singh on the another hand in the same ratio.

Similarly, RFA No. 828 of 2001 is also allowed, which has arisen from the award under Section 18 and 30 inter se Gian Parkash and Gollu Ram Vs. State of Haryana, wherein the market value for entitlement has been held to be 75% in Gian Parkash's name and 25% in Ramphal who was the successor in interest of Gollu Ram.

Accordingly, enhancement and the entitlement of the shares would also be to the same extent qua Gian Parkash and Ram Sharan appellants.

February 19, 2018
tripti

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No