

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

**RFA No.2190 of 2004 (O&M)
Decided on : 19.11.2018**

Swaran Singh and another

... Appellants

Versus

Punjab State and another

... Respondents

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

Present : Mr. Karamjit Verma, Advocate
for the appellants.

Ms. Simran Grewal, AAG, Punjab
for respondent No.1.

Mr. Sahil Sharma, Advocate
for respondent No.2-Corporation.

G.S. Sandhawalia, J. (Oral)

CM-7250-CI-2018

Application has been filed for disposal of the appeal, in view of the judgment dated 04.02.2009 passed in **RFA No.2697 of 1999 'Harjinder Singh and another Vs. Land Acquisition Collector and others'** (Annexure A-1).

Counsel for respondent No.2-Corporation has fairly stated that the application is liable to be allowed in as much as the appeal filed against the said decision has also been dismissed by the Apex Court in **SLP Nos.19504-19519 of 2010** on 25.03.2015.

Accordingly, the application is allowed. The appeal is taken on board today itself.

CM stands disposed of.

Main appeal

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') arises out of the Award of the Reference Court, Ludhiana dated 10.11.2003. The notification was issued on 07.05.1991 under Section 4 of the Act for the land falling in village Mundian Kalan, Tehsil & District Ludhiana, which was acquired for Industrial Focal Point, Ludhiana. A uniform rate of compensation was assessed @ ₹4,50,000/- against the amounts awarded by the Land Acquisition Collector, on the basis of type of land and classification of land, as per the revenue record.

In the case of **Harjinder Singh (supra)** the appeal of the landowners was allowed in view of the judgment dated 25.08.2008 passed in **RFA No.1881 of 2000 'Labh Singh (dead) through his L.R. Major singh Vs. The Collector, Land Acquisition and another'** and other connected appeals. Vide the said judgment for the notification dated 07.05.1991, the appeals of the landowners were allowed, whereas the cross-objections and appeals of the State were dismissed. The relevant portion of the judgment passed in the case of **Labh Singh (supra)** reads as under:-

“Keeping in view the totality of the facts and circumstances of this case, I hold that application of cut of 33% is just and appropriate instead of 55% which has been applied by the Reference Court on the amount of Rs.10,00,000/- per acre and awarded Rs.4,50,000/-per acre. Consequently, the appellants/claimants are held entitled to a compensation of Rs.6,70,000/-per acre instead of Rs.

4,50,000/- per acre awarded by the Reference Court, along-with all the statutory benefits as per amended Act and interest on the amount of solatium.

Thus, all the appeals and cross objections filed by the appellants/claimants are hereby allowed with costs and that of the State are dismissed.”

Accordingly, the present appeal is also disposed of in the same terms.

NOVEMBER 19, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No