IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No.2739 of 2006 (O&M)
Date of Decision: 02.11.2018

Punjab State and others .... Appellant(s)

Versus

Aruna Sharma and others ....Respondent(s)

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

Present: Mr. I.P.S. Doabia, Addl. A.G., Punjab.

Mr. R.S. Manhas, Advocate
Mr. Jagjeet Singh, Advocate
Mr. Balwant Singh Billowria, Advocate
Mr. Sanjiv Sharma, Sr. Advocate
with Mr. Shekhar Verma, Advocate (in RFA-2778-2003)
Mr. Sandeep Singh, Advocate
Mr. Akshay Bhan, Sr. Advocate
with Mr. Sushant Kareer, Advocate (in RFA-274-1993)
for the landowners.

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G.S. SANDHAWALIA, J.

The appeal is disposed of.

For reasons, see detailed judgment of even date passed in RFA No.1006 of 2010 ***'State of Punjab and others Vs. Usha Rani (II)'***.

The operative part in relief clause of the judgment reads as under:

> *"(i) Accordingly, for the first notification dated 30.10.1986, the amounts awarded by the Reference Court do not need any interference on both sides, i.e., the State and the landowners and the appeals and cross-objections are, accordingly, dismissed.*
>
> *(ii) For the notification dated 27.02.1987, the appeals/cross-*

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objections filed by the landowners are allowed and those of the State are dismissed and the compensation per acre would be as under:

(a) All kinds of Barani land	*:*	*Rs.35,000/-*
(b) Banjar Qadim & Gair Mumkin land:		*Rs.15,000/-*
(c) Gair Mumkin Abadi	*:*	*Rs.80,000/-*
(d) Nehri/Chahi	*:*	*Rs.40,000/-*

(iii) For notification dated 29.06.1989, appropriate enhancement was given except for Gair Mumkin Abadi, for which 5% cumulative enhancement is given for the difference of 2 years to fix the rate @ Rs.88,200/- per acre. Therefore, the amounts awarded by the Reference Court do not need any interference for the landowners, for the other category and the appeals are, accordingly, disposed of.

(iv) For notification dated 22.10.1991, appropriate enhancement was given and therefore, the amounts awarded by the Reference Court do not need any interference on both sides, i.e., the State and the landowners and the appeals are, accordingly, disposed of.

(v) For notifications dated 06.01.1992/30.01.1992, landowners' appeals/cross-objections are allowed and the State appeals are dismissed and the amount per acre is assessed as under:

(a) All kinds of Barani land	*:*	*Rs.90,462/-*
(b) Banjar Qadim/Jadid	*:*	*Rs.44,000/-*
(c) Gair Mumkin Abadi	*:*	*Rs.1,60,000/-*
(d) Chahi	*:*	*Rs.1,00,000/-*

(vi) For notifications dated 16.03.1994 and 18.03.1994, State appeals are allowed and those of landowners/cross-

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objectors are disposed of. The amount per acre is assessed as under:

(a) All kinds of Barani land : Rs.99,734/-

(b) Banjar Qadim/Banjar Jadid/Gair Mumkin: Rs.48,540/-

(c) Chahi : Rs.1,10,250/-

(d) Gair Mumkin Abadi : Rs.1,76,400/-

(vii) For notification dated 20.12.1994/23.12.1994, appropriate enhancement was given by award dated 23.02.2000 and therefore, the amount awarded by the said Reference Court does not need any interference and the State as well as landowners' appeals are, accordingly, dismissed against the said award. However, appeals against awards dated 03.10.2002, 21.02.2004 and 05.06.2007 are allowed of the landowners and the landowners will get the same amount as in award dated 23.02.2000.

(viii) For notifications dated 07.08.1995/20.09.1995, the appeals are disposed of. The amount per acre is assessed as under:

(a) All kinds of Barani land : Rs.1,19,600/-

(b) Banjar Qadim : Rs.40,000/-

(c) Gair Mumkin : Rs.30,000/-

(d) Chahi/Abi : Rs.1,30,000/-

(e) Gair Mumkin Abadi : Rs.1,50,000/-

Resultantly, the State appeals are allowed and the Reference Courts awards dated 29.11.2000 and 13.12.2000 are set aside along with awards dated 16.05.2007, 05.10.2007, 08.10.2007, 17.01.2008, 16.02.2008, 05.04.2008, 02.06.2008, 18.08.2008, 29.08.2011, 01.11.2013, 13.11.2013, 01.02.2014 & 12.11.2014, whereby

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Rs.1600/- to Rs.1830/- per marla had been awarded. Similarly, the appeals of the landowners are allowed by modifying the awards dated 08.11.2001, 04.12.2002, 02.01.2003, 07.06.2003, 04.09.2003, 10.09.2003, 16.12.2003, 15.02.2005, 30.07.2005, and are disposed of, accordingly.

(ix) For notifications dated 17.09.1998, State appeals are allowed.

(x) In RFA-2168 & 3806-1998 and other similarly situated appeals, landowners would not be denied interest on the basis that references were dismissed in default and thereafter, restored after considerable period, in view of the discussion made above that on account of the fault of the Court, it would not harm the party.

(xi) With the appeals and Cross-objections having been decided, all misc. applications in which no separate orders have been passed, also stand disposed of.

(xii) Apart from the above, landowners whose land is falling in the following 8 villages, shall also be entitled for the benefit of additional 20%, over and above the compensation awarded to them, on account of they being forced to shift their residence from the said villages: (a) Darkua Bangla Khas, (b) Tikka Godwan, (c) Phangota Khas, (d) Tikka Gulial, (e) Tikka Kattal, (f) Tikka Shamlat, (g) Tikka Ladhwal and (h) Chakbela.

(xiii) The State shall also comply with the directions laid down by the Apex Court in ***Pran Sukh's case*** *(supra), to*

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ensure that the landowners are not fleeced by the middleman, which read as under:

(a) The Land Acquisition Collector shall depute officers subordinate to him not below the rank of Naib Tahsildar, who shall get in touch with all the land owners and/or their legal representatives and inform them about their entitlement and right to receive enhanced compensation.

(b) The concerned officers shall also instruct the land owners and/or their legal representatives to open savings bank account in case they already do not have such account.

(c) The bank account numbers of the land owners should be given to the Land Acquisition Collector within three months.

(d) The Land Acquisition Collector shall deposit the cheques of compensation in the bank accounts of the land owners.

(xiv) The entitlement of the landowners would be to the amounts awarded above along with statutory benefits. The State would also be entitled to make adjustment of the amounts which have already been paid during the litigation."

(G.S. SANDHAWALIA)
JUDGE

November 02, 2018
pvd

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

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