

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No.1538 of 1991 (O&M)

Date of Decision: 30.01.2019

Akhar Singh @ Akhru
(since deceased) through LRs

... Appellant

VS.

State of Punjab

... Respondent

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

Present: None for the appellant

Ms. Simran Grewal Randhawa, AAG Punjab

G.S. SANDHAWALIA, J. (Oral)

(1) The present appeal filed under Section 54 of the Land Acquisition Act, 1894 is directed against the award dated 08.03.1991 wherein the claim for enhancement of the superstructure in the form of shop which was standing on the land which was acquired vide notification dated 15.01.1982 has been repelled by the Reference Court.

(2) The reasoning for not accepting the claim for ₹ 25000/- was that the estimate as such prepared by Santokh Singh Draftsman AW1 (A2) did not give sufficient details which would justify the conclusion that the estimate is correct against the amount of ₹ 14484/- as valued by Government official. Resultantly, the finding recorded is that an exaggerated amount was assessed to help the applicants. No formula for standard book on the basis of which he made calculations was brought by him and as such the Reference Court did not find it possible to accept the sketchy report. Similarly, judgment in **LA No.17 of 1986 Baldev Singh & Ors. vs. Punjab State** (Ex.A3) which arose out of the same notification was rejected on the ground that detailed evidence had been led in the said case and the nature of

Ex.R1/3 of the Executive Engineer was taken into consideration to hold that it gave detailed calculations and therefore the value of structure was correctly assessed and no enhancement was called for.

(3) This Court has gone through the record as such of the Reference Court and reasoning as such given by the Reference Court is justified if both the reports are compared Ex.R1 & Ex.R1/3 which included the site plan and Ex.A1 & Ex.A2 which is absolutely sketchy. The construction as such was made of stone wall and shop was made with kucha bricks and stones and the floor was kutchra. Ex.R1 would show that detailed calculations were made by the officials in preparing the report and as such the amount had been initially fixed @ ₹ 15187/- and on checking some error was found and the same was rectified to ₹ 14484/-.

(4) Therefore the Reference Court is well justified in falling back on a more detailed report as such to come to the conclusion that the valuation which had been granted vide award dated 15.01.1982 was well based on an report of an expert and a Junior Engineer of the Irrigation Department was also examined to prove the same. It is well known that private valuers as such tend to exaggerate the valuation in order to support their pay master therefore the fall back on the Government valuation as such for the reason given above does not suffer from any infirmity. Resultantly, this Court is thus of the opinion that no ground for interference with the award of the Reference Court is made out which is accordingly upheld and the appeal is dismissed.

30.01.2019

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(G.S. Sandhawalia)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No