

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No.1733 of 1991 (O&M)

Date of Decision: 30.01.2019

Jagdeep Singh & Ors.

... Appellants

VS.

State of Punjab & Anr.

... Respondents

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

Present: Mr. Sushil K Sharma, Advocate for
Mr. ML Sharma, Advocate for the appellants

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 on account of less amount of compensation awarded @ ₹ 10/- per tree for 1144 safeda trees by the Reference Court, Ropar on 16.03.1991. The land was acquired vide notification under Section 4 dated 20/24.12.1982 falling in the revenue estate of village Dadhi, H.B. No.316, Tehsil and District Rupnagar for construction of SYL canal. Vide supplementary award dated 14.07.1987, it was found that in all 1144 safeda/eucalyptus trees were standing on the land in question and were two years' old and as such compensation to the tune of ₹ 8152.54 paise was awarded. However, the claimants being dissatisfied with the amount of compensation preferred reference under Section 18. The plea was that there were 1344 safeda trees standing and as such compensation should have been awarded @ ₹ 250/- per plant since the trees were planted in 1979.

(2) It was noticed that compensation awarded was ₹ 7.50 per tree since the trees were about 25 feet in height and had diameter of more than one feet.

(3) The statement of Shish Singh PW3, Project Officer, Forest Corporation, Punjab was taken into consideration that the safeda trees can have diameter of three feet and about 25 battons can be made out of the same. The Reference Court relied upon the report of RW1 Sarwan Singh, Deputy DFO to hold that he had no animus to wrongly state the number of trees as 1144 instead of 1335 or about their age and held that the compensation was awarded at lesser rate and therefore enhanced it to ₹ 10/- per tree.

(4) A perusal of the statement of PW1 Jagjit Singh Layalpuri would show that he claimed that the diameter of the trees were more than one feet.

(5) PW2 Pritam Singh stated that the land of the entire village was acquired for SYL and eucalyptus trees were planted in the acquired land in about 1980 and the same were about 15-20 feet in height and having diameter of one feet.

(6) PW3 Shish Singh, Project Officer, Forest Corporation, Punjab Ropar stated that Safeda trees have diameter of three feet and about 25 batton can be made out of the same. He also stated that if safeda tree is cut it will give three crops. In cross-examination, he stated that safeda tree had not given third crop up till now. He denied the suggestion that second crop is much lesser than the first crop.

(7) RW1 Swaran Singh Deputy DFO had visited the spot to come to the conclusion that there were 1144 plants of Safeda which were of age of 2 years and the quality of the land was poor. Ex.R1 was the report vide which he assessed the compensation @ Rs.8152.54 ps. In such

circumstances, there is no reason as such to doubt the veracity of the report Ex.R1 as such where the quantum of trees is mentioned.

(8) A perusal of Ex.R1 would show that he had quantified 2 brackets, one 2 old and another 1 year old and thereafter had assessed market value @ ₹ 7.13/- per plant. In such circumstances, the only infirmity which can be found in the order of District Judge is that the anticipated second crop which comes from eucalyptus trees and the benefit of such was not given and therefore this Court is of the opinion that instead of awarding ₹ 10/- per tree, the amount should have been double. The enhancement as such is made to ₹ 20/- per tree.

(9) Resultantly, the appellants shall be entitled for a sum of ₹ 22880/- instead of ₹ 11440/- along with all statutory benefits.

(10) The appeal is partly allowed to the extent above.

30.01.2019

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(G.S. Sandhawalia)
Judge

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

Yes
No