

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

RFA-1754-1991

Date of decision: 09.07.2019

Budh Ram & others

....Appellants

Versus

State of Punjab

...Respondent

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

Present: Mr.Rajesh Goyal, Advocate, for
Mr.S.S.Rathore, Advocate, for the appellants.

Ms.Ambika Luthra, AAG, Punjab.

G.S. SANDHAWALIA, J. (Oral)

The present appeal, filed under Section 54 of the Land Acquisition Act, 1894 (for short, the 'Act'), is directed against the award of the Reference Court, Roop Nagar dated 21.03.1991, whereby market value has been enhanced to Rs.80,000/- per acre, uniformly, irrespective of the quality and also 50% additional amount has been awarded on the compensation so granted, on account of severance charges.

The notification under Section 4 of the Act, for 83.09 acres of land in Village Bassia Hadbast No.53, Tehsil Kharar District Roop Nagar was issued for the public purpose of construction of the SYL Canal vide notification dated 13.09.1985. The Land Acquisition Collector assessed the following rates for the land which has been acquired:

“Chahi	Rs.62000/- per acre
Barani	Rs.50000/- per acre
Gair Mumkin	Rs.35000/- per acre”

Being aggrieved against the amount of compensation granted, reference was filed claiming the market value to be not less than

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Rs.1,50,000/- per acre and also on account of the construction of the SYL Canal. In support of the claim for enhancement, the claimants only tendered into evidence copy of the judgment (Ex.P1) dated 01.12.1990, which is pertaining to land reference No.1 of 30.01.1989 titled *Pirithi Chand Vs. State of Punjab*. Vide the said judgment, the Reference Court, while deciding 24 cases of the same village, had enhanced the compensation to Rs.80,000/- per acre. On the basis of the same, the Reference Court, in the present case, has also enhanced the compensation, to bring it at par, for the other land of Village Bassia.

No other evidence was produced before the Reference Court in support of the claim and in the absence of any other sale deed showing higher sale exemplar, there is no further scope for enhancement, as claimed. Nothing, as such, was shown that in Pirithi Chand's case (supra), further enhancement has been granted by this Court.

Accordingly, in view of the above discussion, the award passed by the Reference Court, Roop Nagar is suffering from no illegality or irregularity which would warrant any interference by this Court and resultantly, the present appeal is, hereby, dismissed.

09.07.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*