

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No.222 of 1991

Date of Decision: 20.08.2019

Sarabjit Singh

... Appellant

VS.

Punjab State & Ors.

... Respondents

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

Present: Mr. APS Sandhu, Advocate for the appellant

Ms. Jasleen Kaur Sidhu, AAG Punjab

G.S. SANDHAWALIA, J. (Oral)

(1) The present appeal filed by the landowners under Section 54 of the Land Acquisition Act, 1894 is directed against the award dated 21.04.1990 passed by the Reference Court, Ferozepur whereby market value was assessed @ Rs.37,500/- per acre along with statutory benefit and solatium @ 30% and 12% p.a. from the date of publication of notification till possession of the land whichever is earlier under Section 23(1A) of the Act. The enhancement by the Reference Court has been done from Rs.25,000/- per acre as awarded by the Land Acquisition Collector on 21.09.1986. The land was acquired vide notification dated 11.02.1983 situated in village Talwandi Nepal and was acquired for widening of Harike Zira Road. For chahi land, Rs.25,000/- per acre was awarded whereas for other types of land, Rs.10,000/- per acre each was awarded.

(2) The Reference Court examined the site plan as such and took into consideration the statement of Angrej Singh, Patwari (PW2) that the grain market Makhu was at a distance of 8 killas and the petrol pump was also situated at the same distance. Sale deeds Ex.A3 to A6 were produced in support of the claim for enhancement. Ex.A3 being dated 29.11.1983 post notification was duly not considered as the relevant date to be kept in mind

Ex.A4 has also been executed on 26.04.1983, whereas Ex.A6 has been executed on 24.04.1985 and all of them pertain to Balloke.

(3) Counsel for the appellant has relied upon the sale deed Ex.A5 of 02.07.1982 which is for 2 marlas for Rs.23,500/- for village Balloke. It was accordingly argued that the market value was much more and would work out @ Rs.18,80,000/- per acre. Firstly, the Reference Court had noticed that the sale deed has been sold for a commercial purpose and secondly the quantum of land which is sold as such is miniscule in comparison to the acquisition made whereby as much as 6.47 acres was acquired vide award in question. Thus the said sale deed had been rightly rejected as mention in the sale deed has been made of drainage of water through a parnala which would mean presence of construction also. Even otherwise the onus as such has not been validly discharged by producing the relevant site plan by showing the sale deeds in question on the site plan and the location as such to show that there was some contiguity with the acquired land and that it had immense potential.

(4) Keeping in view the fact that the land is situated on the highway as such and was used for the purpose of widening of road, this Court is of the opinion that by applying the thumb rule as such, the market value is liable to be increased @ Rs.50,000/- per acre. The Reference Court has even relied upon the fact that one the land was located on the main road and there was a godown on the land of Vinod Rani which adjoined the land of Sarabjit Singh. The abadi of village Balloke was a distance of 12 killas from the land acquired and the grain market Makhu was at a distance of 8 killas from there, as such it shows that there was some scope for enhancement as the claim was for Rs.3,20,000/- per acre for the land

acquired measuring 8K 9M. In such circumstances, the appeal is allowed partly to the extent that market value is enhanced to Rs.50,000/- per acre along with statutory benefits.

20.08.2019*vvishal***(G.S. Sandhawalia)
Judge**

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

Yes/No
Yes/No