

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

109

**CM-8152 to 8154-CI-2019 in/and
RFA No.1486 of 1996
Decided on : 18.09.2019**

Gian Singh (deceased) through his L.Rs. and others

... Applicant/Appellants

Versus

Punjab State and others

... Respondents

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

Present: Mr. R.S. Manhas, Advocate
for the applicant/appellants.

G.S. Sandhawalia, J. (Oral)

CM-8153-CI-2019

The present application has been filed for impleading the legal representatives of the deceased Gian Singh-appellant No.1, who had expired on 17.11.2017. The names of legal representatives have been mentioned in paragraph No.2 of the application. It has also been mentioned that there is no other legal heir of the appellant except the applicants mentioned in paragraph No.2. The application is supported by the affidavit of Jasbir Singh son of deceased Gian Singh.

In view of the averments made in the application, duly supported by affidavit, the same is allowed, subject to just exceptions. L.Rs. as mentioned in paragraph No.2 of the application are permitted to pursue the present litigation only. It is made clear that the present order will

not be liable to be taken into consideration in any other set of proceedings.

CM stands disposed of.

CM-8154-CI-2019

The present application has been filed for impleading the legal representatives of the deceased Bhag Singh-appellant No.8, who had expired on 19.09.2018 leaving behind his son Kulwinder Singh as his legal representative as mentioned in paragraph No.2 of the application. It has also been mentioned that there is no other legal heir of the appellant except the applicant mentioned in paragraph No.2. The application is supported by the affidavit of said applicant.

In view of the averments made in the application, duly supported by affidavit, the same is allowed, subject to just exceptions. Kulwinder Singh son of deceased Bhag Singh is permitted to pursue the present litigation only. It is made clear that the present order will not be liable to be taken into consideration in any other set of proceedings.

CM stands disposed of.

CM-8152-CI-2019

Application for listing the appeal has been filed on the ground that it is covered by the judgment dated 02.11.2018 passed in **RFA No.1006 of 2010 'State of Punjab and others Vs. Usha Rani-II'**.

Notice in the application.

Ms. Jasleen Kaur Sidhu, AAG, Punjab accepts notice on

behalf of the respondents/State.

Accordingly, keeping in view the above, the application is allowed. The main case is taken on board today itself for disposal.

CM stands disposed of.

Main appeal

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') is directed against the Award dated 30.03.1996 passed by the Reference Court, Gurdaspur, whereby qua the notification dated 02/06.01.1992 for the land falling in village Naloh Tikka Jatouli, which was acquired for reservoir area of the Ranjit Sagar Dam Project, the Reference Court has enhanced the compensation to ₹40,000/- per acre for Barani land and ₹14,000/- per acre for Banjar Qadim and Gair Mumkin land.

While dealing with the said notification for different awards granting the same amount of compensation, this Court has allowed the appeals of the landowners and cross-objections while disposing of the bunch of cases in **Usha Rani-II (supra)** and has enhanced the compensation. The relevant portion of the said 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-objections filed by the landowners are allowed and those of the

State are dismissed and the compensation per acre would be as under:

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

(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:

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

(vi) For notifications dated 16.03.1994 and 18.03.1994, State appeals are allowed and those of landowners/cross-objectors are disposed of. The amount per acre is assessed as under:

<i>(a) All kinds of Barani land</i>	<i>:</i>	<i>Rs.99,734/-</i>
<i>(b) Banjar Qadim/Banjar Jadid/Gair Mumkin:</i>		<i>Rs.48,540/-</i>

- (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 and 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 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 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.”

Accordingly, the present appeal is also disposed of in the same terms.

SEPTEMBER 18, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No