

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

RFA No.2080 of 1996 (O&M)

Onkar Singh (Deceased) through his L.Rs.

... Appellants

Versus

State of Punjab and others

... Respondents

(2)

RFA No.2126 of 1996 (O&M)

Chet Ram (Deceased) through his L.Rs. & others

... Appellants

Versus

State of Punjab and others

... Respondents

Decided on : 27.03.2019

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

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

Ms. Vibha Tewari, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

Exemption applications

Applications are allowed, as prayed for.

CMs stand disposed of.

CM-12522-CI-2018 in RFA-2080-1996

The present application has been filed for impleading the legal representatives of the deceased appellant-Onkar Singh, who had expired on 29.11.2007. The names of legal representatives have been mentioned in paragraph No.2 of the application. It has also been mentioned that there is

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no other legal heir of the appellant except the applicants. The application is supported by the affidavit of Kartar Singh son of Onkar 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.

The amended memo of parties is taken on record. Office to append the same at the appropriate place.

CM stands disposed of.

CM-12525-CI-2018 in RFA-2126-1996

The present application has been filed for impleading the legal representatives of the deceased appellant No.1-Chet Ram, who had expired on 19.11.2004. 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. The application is supported by the affidavit of Ramesh Kumar son of deceased Chet Ram.

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

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proceedings.

CM stands disposed of.

CM-12526-CI-2018 in RFA-2126-1996

The present application has been filed for impleading the legal representatives of the deceased appellant No.4-Paras Ram, who had expired on 13.10.2008. 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. The application is supported by the affidavit of Raj Kumar son of deceased Paras Ram.

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.

The amended memo of parties is taken on record. Office to append the same at the appropriate place.

CM stands disposed of.

**CM-12523-CI-2018 in RFA-2080-1996 &
CM-12528-CI-2018 in RFA-2126-1996**

Applications under Section 151 CPC have been filed for directing the registry to list the present appeals on the basis of the order dated 17.05.2018 passed by the Apex Court in **SLP (Civil) No.2987 of 2018 'The State of Punjab and others Vs. Ram Singh and others'**.

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The main case was disposed of in terms of the judgment passed in **RFA No.897 of 1996 'State of Punjab and others Vs. Ram Singh and others'** on 16.09.2015. The Apex Court by the said order has given liberty to the petitioner to seek appropriate clarification/review before the High Court, regarding the matter titled as 'Punjab State & others Vs. Usha Rani', which was still pending before this Court.

This Court has now decided the issue of 12 notifications pertaining to Ranjit Sagar Dam in **RFA No.1006 of 2010 'State of Punjab and others Vs. Usha Rani (II)'** on 02.11.2018. The present appeals would also be covered by the aforesaid decision.

Accordingly, the present appeals are taken on the board for hearing today itself.

CMs stand disposed of.

Main appeals

The present appeals filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') are directed against the Award of the Reference Court, Gurdaspur dated 16.12.1995. The notification in question is dated 30.01.1992. In **Usha Rani (II) (supra)** this Court has dealt with the Award dated 16.12.1995 and allowed the appeals of the landowners and enhanced the compensation for the said notification. The relief clause of the said judgment reads as under:-

“160. In view of the above provisions, this Court is of the opinion that for such displacement, the landowners of the said 8 villages and tikkas who have been totally forced to

move out, would be entitled for an additional benefit of 20% of the compensation awarded for the respective notifications, as mentioned above as they have been compelled to change their residence and would have incurred large amount of expenses for the said purpose and to purchase property elsewhere including their residence, leading to their displacement.

“(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:

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

(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:

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

(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:

(a) All kinds of Barani land	:	Rs.99,734/-
(b) Banjar Qadim/Banjar Jadid/Gair Mumkin:		Rs.48,540/-
(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 appeals are also disposed of in the
above said terms.

MARCH 27, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No