

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

**RFA No.3580 of 2003 (O&M)
Date of Decision:22.02.2019**

Tarsem Chand and anotherAppellant(s)

Versus

State of Punjab and another ...Respondents

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

Present: None for the landowners.

Ms. Simran Grewal, AAG, Punjab.

None for the Punjab State Agricultural Marketing Board.

G.S. SANDHAWALIA, J. (ORAL)

CM-7492-CI-2003

Application has been filed for bringing on record the legal heirs of original deceased appellants No.1 Charanji Lal and No.2 Ramji Dass. It is stated that the said appellants had expired on 10.11.1995 and 03.04.1993, respectively leaving behind their legal heirs as mentioned in para Nos.2 and 3 of the application, who are stated to be the only legal heirs of deceased appellants. It is further stated that there are no other legal heirs of the deceased appellants except ones mentioned in para Nos.2 and 3 of the application.

Accordingly, in view of the averments made in the application, duly supported by affidavit of Tarsem Chand son of deceased original appellant No.1 Chiranji Lal, same is allowed subject to just all exceptions.

Legal heirs as mentioned in para Nos.2 and 3 of the application are brought on record and 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.

RFA No.3580 of 2003

The appeal is directed against the award dated 25.02.2003 of the Reference Court, Bathinda regarding the notification dated 08.02.1990 under Section 4 of the Land Acquisition Act, 1894. The said award had been set aside in RFA No.317 of 2004 titled as Smt. Shanti Devi Vs. The Collector and others, on 17.02.2009 and the matter has been remanded and the Mandi Board was directed to cross-examine the witnesses produced by the landowners and lead evidence in defence.

Thereafter the Reference Court has re-decided the issue on 31.10.2011 which was again challenged by the Punjab State Agricultural Marketing Board in RFA No.5978 of 2013 and others in which order has been pronounced on 22.02.2019. The appeals of the Mandi Board have been dismissed and though appeals of the landowners have been allowed vide detailed order dated 22.02.2019. The relevant portion reads as under:

“Relief

45. Accordingly, the present appeals of the landowners are allowed, whereas those of the Mandi Board are dismissed. The market value is assessed @ Rs.300/- per square yard (Rs.14,52,000/- per acre) alongwith all statutory benefits for the land falling in Khasra No.388//24, 25, 389//21, 22, 395//1, 2, 9, 10, 11, 12, 19, 20, 21, 22, 396//4, 5, 6, 7, 14, 15, 16, 17, 24, 25, 403//4 & 5, 404//1 & 2 and @ Rs.180/- per square yard (Rs.8,71,200/- per acre) alongwith all statutory benefits for the land which was behind the above said land

and not mentioned in the abovesaid numbers.”

Resultantly, the present appeal is disposed of and the appellants shall be entitled for the same relief as granted in RFA No.5978 of 2013 titled as “**Punjab State Agricultural Marketing Board (Mandi Board) Vs. Ludhar Mal and others**” vide order dated 22.02.2019.

Ordered accordingly.

22.02.2019
pvd

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No