

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

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**RFA No.1652 of 2004
Decided on : 22.07.2019**

Gurdeep Kaur (since deceased) by her legal heirs and others

... Appellants

Versus

Secretary to Government, Department of Irrigation and Power, Punjab,
Chandigarh and others

... Respondents

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

Present : Mr. Akash Deswal, Advocate for
Mr. Amit Jain, Advocate for the appellants.

Ms. Jasleen Kaur Sidhu, 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, Jalandhar dated 24.02.2004, whereby market value of the acquired land had been enhanced from ₹3 lakhs per acre to ₹4 lakhs per acre for the land adjoining the Jalandhar-Amritsar road and ₹3,60,000/- for the balance land. The notification in question under Section 4 of the Act was issued on 04.08.1995.

Counsel for the appellants submits that the contest is only with respondents No.1 to 4 and, therefore, respondents No.5 to 9 need not be served.

It is further pointed out that in **RFA No.1654 of 2004 'Kartar Singh and others Vs. Secretary to Government of Punjab and others'** decided on 02.07.2019, the appeals against the Award dated 24.02.2004, have

already been allowed of the landowners and the matter would be covered by the same. The relevant portion of the said judgment reads as under:-

“Thus, keeping in view the close proximity and the fact that there was a cold storage in proximity and housing colony opposite the road and the potentiality of the land, this Court is of the opinion that appropriate deduction should have been applied on the sale exemplar dated 10.03.1995. Keeping in view the judgment of the Apex Court in **Chandrashekar (D) by LRs & others Vs. Land Acquisition Officer & another 2012 (1) SCC 390**, whereby it has been held that deduction could go upto 75%, this Court deems it fit to place a cut of 60% on both accounts (development and smallness) on Rs.15,68,000/- (Ex.P-3) and the amount works out to Rs.9,46,800/-. Therefore, the market value of the land acquired works out @ Rs.6,27,200/- per acre along with all statutory benefits. The said amount of compensation would offset and being inclusive of damages which has been suffered by the landowners, as has also been noticed by the LAC. The present appeals, filed by the landowners are, accordingly, partly allowed, to the above extent.”

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

JULY 22, 2019

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No