

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM-8693-CI-2019 in/and
RFA-2313-2004 (O&M)
Date of decision : 16.10.2019

Swaran Singh

... Appellant

Versus

Secretary to Govt. of Punjab & others

... Respondents

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

Present : Mr. Lovish Rattan, Advocate, for
Mr. Surinder Sharma, Advocate, for the appellant.

Ms.J.K.Sidhu, AAG, Punjab.

None for the respondent-PGCI.

G.S. Sandhawalia, J. (Oral)

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Application has been filed by applicant/respondent-PGCI for listing of main appeal for final hearing in view of the decision passed by this Court in RFA No.1654 of 2004 titled as **Kartar Singh and others Vs. Secretary to Government of Punjab and others**, decided on 02.07.2019.

Notice in the application.

Mr. Lovish Rattan, Advocate, for Mr. Surinder Sharma, Advocate, accepts notice on behalf of the appellant.

Accordingly, keeping in view the above facts, main case is taken up for final hearing today itself.

CM stands disposed of.

RFA No.2313 of 2004

The present appeal, filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') is directed against the award dated 24.02.2004 passed by the Reference Court, Jalandhar, for the notification dated 04.08.1995 issued under Section 4 of the Act.

The main bunch was decided on 02.07.2019 in RFA No.1654 of 2004, Kartar Singh and others (supra) wherein the market value has been

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enhanced from Rs.4,00,000/- per acre for the land adjoining the Jalandhar-Amrtisar Road and Rs.3,60,000/- per acre for the balance land at a uniform level to Rs.6,27,200/- per acre along with all statutory benefits. The relevant portion 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.

However, in RFA-5499-2017, the landowner shall not be entitled for the benefit of interest for the period of 4366 days, on the enhanced compensation i.e., the period of delay in filing the appeal against the second award dated 26.09.2012. The appeals filed by the Power Grid Corporation are, hereby dismissed.”

Resultantly, the present appeal is also allowed in the same terms.

October 16th, 2019

sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No