

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

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**RA-RF-216-CI-2017 (O&M) in/and
RFA No.435 of 2004**

Kishan Chand and others

... Review applicant/Appellants

Versus

State of Punjab and others

... Respondents

(2)

**RA-RF-217-CI-2017 (O&M) in/and
RFA No.436 of 2004**

Kishan Chand and others

... Review applicant/Appellants

Versus

State of Punjab and others

... Respondents

Decided on : 17.10.2019

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

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

Ms. Jasleen Kaur Sidhu, AAG, Punjab.

G.S. Sandhawalia, J. (Oral)

**CM-10875-CI-2017 in/and RA-RF-216-CI-2017
CM-10877-CI-2017 in/and RA-RF-217-CI-2017**

Applications have been filed for condoning the delay of 710 days in filing the review applications of the order dated 16.09.2005.

In spite of notice having been issued on 25.01.2019 and the State having put in appearance on the same day and thereafter, as many as 3 opportunities having been given for filing the replies, replies to the applications have not been filed.

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In such circumstances, this Court is of the opinion that the delay as such liable to be condoned conditionally in view of the law laid down by the Apex Court in **'Imrat Lal and others Vs. Land Acquisition Collector and others'** 2014 (14) SCC 133 and in **'Dhiraj Singh (D) through LR. and others Vs. Haryana State and others'** 2015 (1) SCC (Civil) 236, and keeping in view the fact that the matter was reopened by the Apex Court after the order dated 16.09.2015 vide which the appeal was dismissed. In **SLP (C)-2987-2018 titled 'State of Punjab & others Vs. Ram Singh & others'**, decided on 17.05.2018, the Apex Court had given liberty to the similarly situated landowners to seek appropriate clarification/review before the High Court, keeping in the view the matter was pending before this Court in an earlier remand order passed in **'Punjab State & Ors. vs. Usha Rani Etc.'** Civil Appeal Nos.1949-1966 of 2016. The said exercise has, thus, been conducted on 02.11.2018 in **'State of Punjab and others Vs. Usha Rani (II)**.

Accordingly, keeping in view the above, the delay of 710 days in filing the review applications is condoned and the order dated 16.09.2005 is recalled. However, it is made clear that landowners shall not be entitled for the benefit of interest on the enhanced compensation for the abovesaid delay period.

CMs and review applications stand disposed of.

RFA-435-2004 & RFA-436-2004

Keeping in view the above the main appeals are taken on board today itself being covered by the decision in **Usha Rani (II)**

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(supra).

The notification in question under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') is dated 20.12.1994 and the land is situated in village Darban Tika Chound Hadbast No.406. The Award of the Reference Court, Gurdaspur is dated 11.11.2003. Vide the said Award, the Reference Court had declined to grant any enhancement in spite of reliance having been placed on the Award dated 23.02.2000 (Ex.A-1).

While dealing with the Award dated 23.02.2000 in **Usha Rani (II) (supra)**, the market value of the said village Darban Tika Chound was also discussed. Similar claims had also been dismissed by other Awards dated 03.10.2002, 21.02.2004 & 05.06.2007, which were subject matter of consideration on an earlier occasion. Eventually, the appeals have been allowed by giving benefit to the other landowners and putting them at par as per the Award dated 23.02.2000. The relevant portion of the judgment passed in **Usha Rani (II) (supra)** 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

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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:

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|------------------------------|---|---------------|
| (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/- |

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(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

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State would also be entitled to make adjustment of the amounts
which have already been paid during the litigation.”

Resultantly, the present appeals are also allowed in the same
terms and the same benefit is granted to the appellants. However, benefit
of interest on the enhanced compensation for the delay period of 710 days
shall not be granted to the appellants.

OCTOBER 17, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No