IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No.1122 of 2007
Date of decision: 30.9.2019

Smt. Gurmail Kaur ...**Appellant**

Versus

State of Punjab ...**Respondents**

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

Present: Mr. Sher Singh Rathore, Advocate for the appellant.

Ms. Maloo Chahal, Deputy Advocate General, Punjab

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G.S.SANDHAWALIA, J. (Oral)

The present appeal is directed against the award dated 14.11.2006 passed by the Reference Court, Rupnagar whereby a sum of ₹ 17,00,000/- was awarded per acre as compensation along with statutory benefits. The notification in question under Section 4 of the Land Acquisition Act, 1894 is dated 22.1.2001 which was for the purpose of creating Sectors 76 to 80 in the Urban Estate of SAS Nagar, Mohali and the land was situated in village Sohana.

A coordinate Bench of this Court in **RFA No.3004 of 2006- Surjit Singh Vs. State of Punjab and another** decided on 2.3.2009 while dealing with the notification in question has increased the market value of the land to ₹ 19,85,700/- per acre. Relevant portion reads as under:-

> "As far as application of cut on the value so determined is concerned, considering the fact that the sale transactions are not of so small piece of land that it deserves a cut of 1/3rd. The sale deeds pertain to one acre and 1.25 acres of land, which was being used for agricultural purposes at that time. The land pertaining to these sale deeds were located at different places

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> having different advantages/disadvantages, meaning thereby that it is not that the sale deeds pertaining to some prime land are being considered for the purpose of assessment of the value of the entire chunk of land. In Kasturi's case (supra), Hon'ble the Supreme Court upheld the application of 20% cut while determining the fair value of the acquired land therein. In the present case, the fact remains that the land in question is abutting the already developed belt of Sectors 70 to 75, along with which the present land was acquired for development as Sectors 76 to 80. Subsequent acquisition in 2004 was carried out for development of Sector 81 onwards, meaning thereby that the land had great potential for being urbanisation and further the Collector himself having appreciated the value of the land for subsequent acquisition carried out in 2004 and 2006, as referred to above, in my opinion, a cut of 25% thereon would be appropriate. Accordingly, while reducing the amount therefrom, the value of the acquired land is determined at Rs. 19,85,700/- (rounded off) per acre."

The Apex Court in **Civil Appeal No.331 of 2014-Paramjit Panag & others Vs. State of Punjab** decided on 15.1.2014 has increased the amount of compensation by another ₹ 2,00,000/- per acre. The relevant portion reads as under:-

> "5.3 In the peculiar facts and circumstances of the case, we are of the view that the compensation awarded by the High Court requires to be increased. Accordingly, we enhance the compensation payable to the land-owner to another Rs.2,00,000/- per acre payable by the Greater Mohali Area Development Authority (for short, 'the GMADA') with interest and solatium as prescribed under the Statute from the date of the order passed by the High Court."

Counsel for the State is not in a position to controvert the said position.

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Accordingly, the present appeal is allowed in the above said terms by fixing the compensation at ₹ 21,85,700/- per acre plus all statutory benefits.

30.09. 2019 **(G.S.SANDHAWALIA)**
Pka **Judge**

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

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