

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

XOBJR-89-2019 (O&M) IN/AND

RFA No.2614 of 1996

Date of Decision: 06.09.2019

Punjab State & Ors.

... Appellants

VS.

Gian Singh (D) th. LRs & Ors.

... Respondents

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

Present: Ms. Jasleen Kaur Sidhu, AAG Punjab
Mr. RS Manhas, Advocate for the respondents

G.S. SANDHAWALIA, J. (Oral)

CM-7613-CI-2019

Allowed as prayed for.

CM-7614-CI-2019

This is an application filed under Order 22 Rule 4 CPC read with Rule 2, Chapter 1, Part-C, Vol.5 of the High Court Rules and Orders for bringing on record the legal representatives of respondent No.1, namely, Gian Singh, who is stated to have expired on 17.11.2017. The details of the legal representatives of the deceased respondent have been mentioned in para 2 of the application and it has been averred that there is no other legal heir apart from those mentioned in the application. The application is duly supported by affidavit of Jasbir Singh son of the deceased respondent.

Accordingly, in view of the averments made in the application, duly supported by the affidavit, the same is allowed and the legal representatives of respondent as mentioned in para 2 of the application, are 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.

CM-7615-CI-2019

This is an application filed under Order 22 Rule 4 CPC read with Rule 2, Chapter 1, Part-C, Vol.5 of the High Court Rules and Orders for bringing on record the legal representatives of respondent No.8, namely, Bhag Singh, who is stated to have expired on 19.09.2018. The details of the legal representatives of the deceased respondent have been mentioned in para 2 of the application and it has been averred that there is no other legal heir apart from those mentioned in the application. The application is duly supported by affidavit of Kulwinder Singh son of the deceased respondent No.8.

Accordingly, in view of the averments made in the application, duly supported by the affidavit, the same is allowed and the legal representatives of respondent No.8 as mentioned in para 2 of the application, are 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.

XOBJR-89-2019

Notice to counsel for the State. Ms. Jasleen Kaur Sidhu, AAG Punjab accepts the same.

Admitted.

To be taken up with the main case.

RFA No.2614 of 1996 (O&M)

Counsel for the landowners submits that the matter is covered by the judgment in **RFA-1006-2010 State of Punjab & Ors. vs. Usha Rani (II)** decided on 02.11.2018. Accordingly, the main case is taken on board for final disposal

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 is directed against the award dated 30.03.1996 passed by the Reference Court, Gurdaspur against the notification under Section 4 dated 02/06.01.1992 for the public purpose for reservoir area of Ranjit Sagar Dam Project. The Reference Court has granted compensation @ Rs.40000/- per acre for all kinds of barani land and Rs.14000/- per acre for Banjar Qadim and Gair Mumkin land.

While dealing with a similar award of the Reference Court in **Usha Rani (II)** wherein the same amount of compensation had been granted including for village Naloh Tikka Jatoli, this Court had allowed the landowners' appeals and cross-objection while dismissing the State appeals and enhanced the compensation while dealing with 12 notifications. The operative part of the relief clause 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 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:

(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/-

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

Keeping in view the above, the present appeal as well as the cross-objection are disposed of in the above-reproduced terms.

Ordered accordingly.

06.09.2019

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(G.S. Sandhawalia)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No