

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

**CR No. 4483 of 2018 (O&M)
Date of Decision: 12.02.2020**

Kartar Singh (deceased) through Petitioners
his legal heirs and others

Versus

Union of India ... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jaideep Verma, Advocate
for the petitioners.

Ms. Priyanka Vij, Advocate for
Mr. Karan Singh, Advocate
for the respondent-Union of India.

ANIL KSHETARPAL, J. (ORAL)

By this order, Civil Revision Nos. 4483 of 2018, 7379 of 2018, 2053 of 2019, 2054 of 2019, 2178 of 2019, 2181 of 2019, 2274 of 2019 and 1998 of 2019 shall stand disposed of.

The challenge is to the common order passed by learned Executing Court dated 31.01.2017. Immovable property owned by the petitioners or their predecessors was acquired for being used for a public purpose in the year 1975 under the Requisitioning and Acquisition of Immovable Property Act. Dispute with regard to determination of the market value of the land acquired and consequent compensation payable was referred to the arbitrator. Learned arbitrator by dividing the land in three different belts assessed the separate compensation for the land falling in each belt. Land owners filed appeal as well as Letters Patent Appeal which were decided. The High Court also divided the entire property in following belts:-

1.	For the land situated on either side of National Highway leading from Bathinda to Barnala upto a depth of 500 meters;	Rs. 16.80 per Sq.Yd.
2.	For the land upto a depth of 500 meters from the Municipal Limits/fencing of the cantonment or from the boundary of IIIrd Phase of Urban Estate of Bathinda Town.	Rs. 16 per Sq. Yd.
3.	For the rest of acquired land	Rs. 8.50 per Sq.Yd.

The judgment was passed by the High Court in 1991. It has come on record that the land owners have filed various execution petitions over the years.

In these execution petitions, the land owners claimed that their land fall in belt no. 2 and not in belt no. 3. The Executing Court after appreciating the evidence of Gurmail Singh Kanungo in the office of Military Land Acquisition, Bathinda and Rachhpal Singh, retired Patwari examined by the decree holders held that the land of the land owners does not fall in belt no. 2. The Court noticed that Rachhpal Singh, although in examination-in-chief stated that land in dispute falls in belt no. 2, however, in cross examination he admitted that land of Jangir Kaur is about 4-5 kms. away from Bathinda-Barnala road while 4-5 kms away from urban estate and municipal limits. The Executing Court on the aforesaid basis found that the decree holders have failed to prove that their land falls in category no. 2.

This Court has heard the learned counsel for the parties. Learned counsel for the petitioners submits that the land of decree holders falls within 500 meters from the fencing of the cantonment and therefore, it falls in category no. 2. He has produced a copy of the layout plan.

Keeping in view the aforesaid facts of the case and in order to resolve controversy, this Court directed Land Acquisition Collector to provide complete details of the case. In response thereof, a short reply has been filed under the signatures of Defence Estate Officer, Bathinda Circle, Bathinda. It has been pointed out that with regard to Kartar Singh, his entire holding fell in belt no. 3 and accordingly, paid a sum of Rs.1,47,82,486.31 (i.e. the total of Rs.1,9,38,491.27 +Rs.2,93,297.04+ Rs.1,22,86,360+ Rs.2,64,338). Similarly, Bachan Singh has been paid a sum of Rs. 2,34,18,340.97 (i.e. total of Rs. 1,09,38,491.27+Rs. 1,05,977.70+ Rs. 1,22,86,360 +Rs. 87,512). It may be noted here that the land measuring 6 kanal and 1 marla belonging to Bachan Singh was found to be falling in belt no. 1 whereas his remaining land was found falling in belt no. 3. Similarly, Jangir Singh has been paid a sum of Rs. 2,40,58,756.97 (i.e. total of Rs. 1,09,38,491.27+Rs. 1,51,846.75+ Rs. 1,22,86,360+Rs. 6,82,058.95)

Learned counsel for the respondent has further pointed out that the remaining land of the decree holders is neither covered by category No. 1 nor category No. 2 and therefore, they have been paid according to the rate determined with respect to category No. 3. Learned counsel has further pointed out that before the Executing Court, Gurmail Singh Kanungo filed an affidavit specifying which part of the land falls in various belts. Paras 6, 7, 8, 9 and 10 of the same read as under:-

“6. That as per definition of 1st belt category, any land within a depth of 500 meters on either side of National Highway leading from Bathinda to Barnala only qualifies for the 1st belt. Accordingly, the details of the land/area falls

under 1st belt category is given as under:-

SI. No.	Case No.	Title of the case	Total area acquired	Khasra Nos. and their respective area falling into 1 st belt category.
1.	100/14	Bachan Singh Vs. UOI	42-03	105//6 Min(2-4), 7/2 (0-11) = 02 Kanal 15 Marla
2.	104/14	Sham Singh Vs. UOI	43-00	85//21/1(3-0), 86//14(4-8), 15(5-2), 16(8-0), 17(3-14), 25/1(5-8), 25/2(1-18)=31 Kanal 10 Marla
3.	126/14	Jangir Singh s/o Gajjan Singh Vs. UOI	121-15 i.e. 2/3 share of land measuring 182-16	83//20 min(3-1), 21(7-10), 22 min (2-10), 88//6(8-0), 7(7-16), 14/1(5-8), 15/1(5-11), 89//1/2(3-8), 2(8-0), 3(7-12), 9/2(7-0), 10(8-0), 11/1(5-11), 12/1(5-11), 13/2(3-2), 18(7-0), 23(7-0), 8(7-12), 9/1(1-0), 13/1(2-18), 91//1/1(7-12), 105//2(8-0), 3(7-8), 4(7-12), 5(8-0), 7/1 min (1-0), 8 min (1-1), 9 min(0-11), 106//3/1(2-3), 3/2min (3-16)=160 Kanal 13 Marla
4.	109/14	Chand Kaur Vs. UOI	43-16	85//11(4-16), 12(4-4), 13(2-5), 18(6-6), 19(8-0), 20(8-0)=33 Kanal 11 Marla

7. That as per definition of 2nd belt category, any land within a depth of 500 meters from the Municipal Limits and from the fencing of the Cantonment boundary abutting the 3rd phase of Urban Estates side only qualifies for the 2nd belt. Except this, no other land qualifies for this 2nd belt. The land of the present DHs are situated couple of thousand meters away from the Municipal Limits and the cantonment boundary abutting 3rd phase of Urban Estates. Therefore, the land of the present DHs does not fall into said 2nd belt category.

8. That the acquired land of the decree holders namely Bachan Singh (New execution No. 100/14) has been shown in Brown colour, Maingal Singh (New execution No. 101/14) in Yellow Colour, Jangir Kaur (New execution No. 102/14) in Cherry/Hirmichi Colour, Dasuanda Saing (New execution No. 103/14) in Green Colour, Sham Singh (New execution No. 104/14) in Carrot/Gazari Colour, Kartar Singh (New execution No. 105/14) in Orange Colour, Jangir Singh (New execution No. 126/14) in Parrot Colour, Mehar Singh (New execution No. 108/14) in Royal Blue Colour, Chand Kaur (New execution No.109/14) in Purple Colour, Rup Kaur (New execution No.106/14) with Pencil and Jangir Singh (New execution No. 107/14) in Dark Blue Colour in the Map/Khasra Plan which is Ex-JD-1. The Rajbaha passing through the acquired land and in the Abadi of village Mehna are also shown in Royal Blue and Yellow colours respectively.

9. That the remaining acquired land of the above said DHs/ex-land owners neither falls within the depth of 500 meters on either side of the Bathinda Barnala National Highway nor falls within the depth of 500 meters of fencing of Municipal Limits or from the boundary of 3rd phase of Urban Estates. The Municipal Limit and 3rd phase of Urban Estates are approx more than 2 KM away from Mehna Village. Similarly, the fencing of cantonment adjoining to Municipal Limit or adjoining to Urban Estates is also approx more than 2 KM far away from Mehna Village. The remaining acquired land (except the land shown in para 6 falls under 1st belt) owned by the present DHs is far away from Bathinda-Barnala National Highway.

10. That in view of the above, the land showing in Column 6, TABLE-B falls in 1st belt category for which they are entitled to the rate of Rs. 16.80 per square yard. The

remaining land of the DHs falls in 3rd belt category for which they are entitled to the rate of Rs. 8.50 square yards only”.

Keeping in view the aforesaid facts and in absence of material available on the file to hold that the remaining land of the land owners falls in belt no. 2, the Executing Court has correctly held that the entire payment has been paid.

Hence, all the petitions are dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

(ANIL KSHETARPAL)
JUDGE

12.02.2020
Maninder

Whether speaking/reasoned	:	Yes
Whether reportable	:	No