

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

432

**RFA No.951 of 1993
Decided on : 25.02.2020**

Lt. Col. Parmodh Kumar and others

... Appellant

Versus

The SDO (Civil)-cum-Land Acquisition Collector, Ferozepur and others

... Respondents

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

Present: Mr. Prabhdeep Singh, Advocate for
Mr. Tarun Sharma, Advocate for the appellants.

Ms. Maloo Chahal, DAG, Punjab.

G.S. Sandhawalia, J. (Oral)

Present appeal arises out of the Award dated 02.12.1992 passed by the Reference Court, Ferozepur, whereby the market value of the land acquired was upheld and the reference was declined. The land measuring 5 kanals had been acquired for the purpose of setting up the Government Polytechnic College by notification dated 03.02.1988.

This Court in **RFA No.54 of 2000 'Parmod Kumar and others Vs. SDO (Civil)-cum-Land Acquisition Collector, Ferozepur and another'** decided on 28.03.2019 while dealing with the subsequent notification dated 29.08.1991 issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') and the Section 6 notification dated 06.12.1992, noticed that the earlier notification dated 03.02.1988 had been rescinded.

Resultantly, a larger chunk of land measuring 173 kanals 6 marlas had been acquired and the Reference Court had declined to grant any enhancement against the Award of the Land Acquisition Collector dated

RFA No.951 of 1993

24.03.1994. The appeals were partly allowed including granting damages for the time, the State had remained in possession, on account of having taken possession on 15.04.1988. The relevant portion of the said judgment reads as under:-

“Resultantly, the appeals filed by the landowners, is partly allowed, by assessing the market value @ Rs.1,19,800/- per acre along with all statutory benefits, for the land shown as Chahi land whereas for the Gair Mumkin land, the value is accordingly, enhanced to Rs.1,59,720/- per acre, along with all statutory benefits. Apart from that, the landowners will be entitled for the benefit of payment of interest @ 6% per annum from 15.04.1988 till 29.08.1991, for the amount of compensation of the market value of the land, as damages, for the period of possession prior to the issuance of Section 4 notification. However, the landowners would not be entitled for the benefit of solatium on the said land, which have been awarded for damages.”

Resultantly, once the market value has already been fixed which was acquired vide the subsequent notification, counsel has very fairly submitted that the present appeal has been rendered infructuous. Accordingly, the same is disposed off as such.

FEBRUARY 25, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No