

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

X Objection No. 147 of 2019 (O & M) in/and
RFA No. 2142 of 2012
Date of decision: 07.01.2020

M/s. Indian Oil Corporation Ltd.

....Appellant(s)

Versus

Sita Ram (D) through L.Rs. and others

...Respondent(s)

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

Present: Mr. Satpal Bhasin, Advocate,
for Mr. Harkesh Manuja, Advocate,
for the cross objectors-respondent no. 1.

Mr. M.S. Rana, Advocate,
for appellant.

Ms. Vibha Tewari, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

The present order shall dispose of three appeals filed by the Corporation i.e. RFA Nos. 2142, 6036 and 6034 of 2012 and one cross objection bearing No. 147 of 2019 in RFA No. 2142 of 2012 filed by the land owners as common questions of facts and law are involved in all the appeals. Reference is being made to ***RFA No. 2142 of 2012, M/s. Indian Oil Corporation Ltd. vs. Sita Ran and others.***

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 is directed against the award of the Reference Court, Panipat dated 30.08.2011 whereby, sum of Rs.97.94/- per square yard (Rs.4,74,029.26/- per acre) has been awarded as the market value for the land which was acquired vide notification dated 12.12.1994 falling in village Sithana, District Panipat enhancing it from Rs.36.08 per square yard

(Rs.1,75,000/- per acre) granted vide the award of the Land Acquisition Collector. The basis of enhancement by the Reference Court was the judgment in ***Khan Chand Bajaj vs. State of Haryana*** (Ex.P-19) wherein, Rs.83/- per square yard had been awarded for the same village for an earlier notification dated 25.05.1993. Keeping in view that there was a time gap of 1 year and 7 months between the two notifications, enhancement was granted at 12% on Rs.83/- to the tune of Rs.14.94/- to fix the market value. No benefit of severance as such was granted for the land which had been acquired for the purpose of broad gauge railway siding for the appellant-corporation. This Court has dealt with both the notifications dated 25.05.1993 and 12.12.1994 alongwith another notification in connected ***RFA No. 2517 of 2011, Indian Oil Corporation Ltd. vs. Khan Chand Bajaj (D) through L.Rs. and another (III)*** decided on 18.12.2019 and has allowed the appeals of the Corporation and fixed the market value for the notification in question as under:-

*(iii) For the third notification dated 12.12.1994 the appeals of the Corporation are allowed and the market value is assessed @ Rs.2,67,500/- per acre alongwith all statutory for all seven villages i.e. Shodapur, Khukhrana, Nohra, **Sithana**, Baholi, Assan Kalan and Garhi Sikandarpur. An additional amount of 30% of the market value is granted on severance charge, on account of laying of the railway line. However, it is made clear that on the amount of severance the landowners would not be entitled for the benefits of Section 23 (1A) and Section 23 (2) as it is not the market value as such and in view of the law laid down by the Apex Court passed in Amarjit Singh (supra).*

Accordingly, the appeals are disposed of in the above said terms and the cross objections filed on behalf of legal representatives of Sita Ram are dismissed.

07.01.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

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