

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RFA-2379-2002 (O&M)
Date of Decision: 20.10.2023

Savitri Devi and others

...Appellants

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. R.S. Manhas, Advocate for the appellants.

Mr. Rajiv Sharma, Advocate for respondent-UOI.

HARKESH MANUJA, J. (oral)

CM-4870-CI-2023

Prayer in the present application moved on behalf of the applicant-appellants is for disposal of the main appeal being squarely covered by the decision dated 17.02.2016 rendered by this Court in RFA-2902-1999 and also upheld by Hon'ble Apex Court in Civil Appeal No.23521 of 2017 on 23.02.2023.

Upon notice, learned counsel for the non-applicant/respondents appears and submits that he has no objection, if the prayer made in the present application is allowed.

In view of above and with the consent of the learned counsel for the parties, the main appeal is taken up on Board of this Court today itself.

Application is disposed of accordingly.

Main case:

1. By way of present appeal, challenge has been made to an award dated 05.11.2001 passed by the Additional District Judge, Gurdaspur, whereby the reference under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as ‘1894 Act’), filed at the instance of the appellant, seeking enhancement of market price of land acquired by the respondents, stands rejected for want of evidence/proof.
2. In the present case, certain land owned by the appellant-landowners, situated in village Pangoli, then District Gurdaspur now District Pathankot, came to be acquired vide Notifications issued on 22.02.1991 under Sections 4 and 6 read with 17 of the 1894 Act, invoking urgency clause, followed by an award dated 15.03.1993, whereby compensation was assessed at the following rates:-

Type of land	Compensation per acre
Chahi	Rs.35,000/-
Barani-I	Rs.30,000/-
Barani-II	Rs.25,000/-
B/Jadid	Rs.15,000/-
Banjar Qadim	Rs.10,000/-
Gair Mumkin	Rs.5,000/-
Gair Mumkin Abadi	Rs.35,000/-

3. Aggrieved thereof, the appellants invoked reference under Section 18 of 1894 Act, which came to be dismissed by the Reference Court vide order dated 05.11.2001, as the appellant-landowners failed to produce any evidence in support of their claim.

4. Learned counsel for the appellant-landowners while relying upon the judgment dated 17.02.2016 passed by this Court in RFA-2902-1999 titled as '**Union of India and another Vs. Major Pritam Singh and another**', at the instance of similarly situated landowners pertaining to the same land acquisition proceedings, submits that compensation for all the villages forming part of same Notification dated 22.02.1991 including village Pangoli has been assessed at uniform rate of Rs.2300/- per marla as on the date of Notification under Section 4 of 1894 Act besides all other statutory benefits available under the relevant provisions thereof. Claiming parity, learned counsel for the appellants submits that the appellants are also entitled for similar compensation.

5. On the other hand, learned counsel for the respondents vehemently opposed the claim made in the appeal while submitting that no evidence was led from the side of the appellants supporting their claim qua the enhancement of compensation and thus, the reference petition was rightly dismissed and the same warrants no interference of this Court.

6. I have heard the learned counsel for the parties and gone through the record.

7. A perusal of record besides a conjoin reading of the impugned award as well as the judgment dated 17.02.2016 passed by this Court in RFA-2902-1999 shows that the same related to one acquisition proceedings arising out of the identical Notification(s) dated 22.02.1991 issued under Sections 4 and 6 read with Section 17 of 1894 Act and thus based on the principles of parity among the similarly situated land owners, the present appeal is allowed, the decision dated 05.11.2001 passed by the reference Court is hereby set aside and the appellants are held entitled for compensation @ Rs.2300/- per marla as on the date of Notification besides other statutory benefits & interest provided under 1894 Act in terms of judgment dated 17.02.2016 passed by this Court in RFA-2902-1999 titled as ‘**Union of India and another Vs. Major Pritam Singh and another**’, especially when the same has attained finality with the dismissal of **Civil Appeal No. 23521 of 2017** titled as ‘**Union of India and another Vs. Major Pritam Singh and another**’, vide judgment dated 23.02.2023 passed by the Hon’ble Apex Court.

8. **Disposed off** in the above terms.

9. Pending application(s), if any, shall stand(s) disposed off.

20.10.2023
Mangal Singh

(HARKESH MANUJA)
JUDGE

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No