

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

**RFA No.2322 of 2015 (O&M)
Date of Decision: 10.04.2023**

Gurjit Kaur

..... Appellant

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Vijay Lath, Advocate for the applicant/appellant.

Ms. Lavanya Paul, DAG, Punjab for respondent No.1.

Mr. Ramesh Sharma, Advocate for respondent Nos.2 & 3.

MAHABIR SINGH SINDHU, J.

CM-2047-CI-2022

Application for disposal of the main appeal in terms of judgment dated 07.12.2019 (A-1), passed by the Co-ordinate Bench in RFA No.3161 of 2009 along with other connected cases.

Notice of the application to the non-applicants/respondents.

Learned State Counsel as well as learned Counsel for respondent Nos.2 & 3 accept notice on behalf of the respondent(s) and submitted that they have no objection in case the present application is allowed.

In view of above and for the reasons mentioned in the application, the same is allowed subject to all just exceptions. Main case is taken on Board today itself.

MAIN CASE

Present Regular First Appeal has been filed under Section 54 of the Land Acquisition Act, 1894 (*for short 'Act'*) for modification of the impugned Award dated 07.11.2014, passed by learned Additional District Judge, S.A.S. Nagar, Mohali (*for short 'ADJ'*), for enhancement of the compensation.

(2) Facts are not in dispute.

(3) Government of Punjab issued Notification dated 24.10.2000 under Section 4 of the Act for acquisition of land falling in 28 different villages for public purpose i.e. laying of broad gauge Railway Line from Chandigarh to Ludhiana.

Land measuring 4 Kanal 9 Marla of the appellant, situated in Village Saneta, *Hadbast* No.288, was also acquired vide aforesaid Notification. The Land Acquisition Collector (*for short 'LAC'*), vide Award dated 25.07.2001, assessed compensation @ ₹ 4 Lakh per acre + 10% for land situated on the National Highway.

Aggrieved against the above Award, appellant preferred reference under Section 18 of the Act. Learned ADJ, while upholding the aforesaid compensation, awarded 30% on account of severance charges.

(4) Learned Counsel for the appellant submits that against the same Notification, various RFAs were filed before this Court and the lead case was RFA No.3161 of 2009; in which the Co-ordinate Bench enhanced compensation for Village Saneta to the tune of ₹ 22,25,410/- per acre along with other

statutory benefits, vide judgment dated 07.12.2019 and as such, the present appeal be also disposed off in the same terms.

(5) Learned Counsel for respondent Nos.2 & 3 on instructions from Mr. Vipin Gandhi, Office Superintendent/Construction Organisation Northern Railway, Chandigarh acknowledged the above factual position by submitting that the aforesaid judgment is already implemented and the compensation to all concerned landowners have been paid.

Also not disputing that land of the appellant is similarly situated to the other cases, including RFA No.3161 of 2009.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) Concededly, the co-ordinate Bench while allowing the batch of appeals vide judgment dated 07.12.2019 enhanced compensation for 28 villages; including, Village Saneta, where the land of appellant is situated and relevant part of the same is recapitulated as under:-

“Resultantly, the market value for village Saneta is correspondingly liable to be enhanced and would thus be at par with the villages of Manauli, Raipur Khurd and more than Dharali and Sukhgarh the same is assessed @ Rs.22,25,410/- per acre alongwith all statutory benefits.”

It is also not in dispute that above judgment has attained finality and enhanced compensation have already been paid to the other land owners, whose land was acquired vide Notification dated 24.10.2000 (*supra*).

(8) In view of the above, there is no option except to dispose off the present appeal in terms of judgment i.e. RFA No.3161 of 2009 (A-1), decided on 07.12.2019.

(9) Ordered accordingly.

(10) Necessary exercise be carried out by the quarter concerned as per law within a period of eight weeks from receipt of certified copy of this order.

April 10th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No