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

**RFA No. 744 of 2022 (O&M)
Date of Decision: 03.10.2023**

Dalip Singh (since deceased) through
his LR Dara Singh

...Appellant

Versus

The Collector Punjab, Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rajbir Singh, Advocate
for the appellant-landowner.

Mr. Navneet Singh Kaliraman, Senior DAG, Punjab

HARKESH MANUJA, J.

CM-1698-CI-2022

Application is **allowed**, as prayed for, subject to all just exceptions. The photocopy of Award dated 22.02.2005 passed by learned Additional District Judge, Amritsar is taken on record and exemption from filing the certified copy thereof is granted.

CM-1697-CI-2022

Prayer in the present application is for condonation of delay of 5485 days in filing the appeal.

Upon notice, reply stood filed, rebutting the averments made in the application and, inter alia, prayed for dismissal of the appeal.

Learned State Counsel points out that in compliance of the order dated 31.08.2023 passed by this Court, costs of Rs. 10,000/- have

been paid to the appellant-landowner, by way of two demand drafts of ICICI Bank, bearing Nos. 507548 & 507549, dated 28.09.2013 of Rs. 5,000/- each. The said factual position is not disputed by learned counsel for the appellant. A photocopy of the same has been retained for record.

I have heard learned counsel for the parties and gone through the contents of the application, which has been supported by the affidavit.

Concededly, the other similarly situated landowners pertaining to the same acquisition proceedings have already been held entitled for the modified amount of compensation pertaining to the acquired land falling in the same revenue estate(s), *i.e. Villages Gonidwal, Jhander Kalan and Khak, Tehsil Tarn Taran, District Amritsar*, to the tune of Rs. 110/- per square yard, in view of judgment dated 27.02.2015 passed by this Court in **CM No. 12937 to 12940-CI of 2014 and RA No. 99-CI of 2014 in RFA No. 4241 of 2006**, titled **“Vijay and another Versus State of Punjab and others”**.

Based thereupon, applying the principle of parity, besides awarding just and fair compensation and relying upon the decision of Hon'ble Supreme Court in case of **“Ningappa Thotappa Angadi (Dead) through LRs Versus Special Land Acquisition Officer and Another”**, **2020 (19) SCC 599** as well as in view of the contents of application, the same is **allowed** and the delay in filing the appeal, as mentioned above, is hereby condoned.

MAIN APPEAL

Present appeal has been preferred under Section 54 of the Land Acquisition Act, 1894 (for short “the Act”), to modify the award dated 22.02.2005 passed by learned Additional District Judge, Amritsar (hereinafter to be referred as “Reference Court”) seeking enhancement of compensation amount.

[2] It transpires that State of Punjab, vide Notification dated 29.06.1988 issued under Section 4 of the Act, which was followed by Notification dated 03.01.1989 under Section 6 thereof, acquired land of Villages Goindwal, Jhander Kalan and Khak, Tehsil Tarn Taran, District Amritsar, for construction of Nucleus Industrial Complex, Goindwal. The Collector, Land Acquisition, Industries Department, Chandigarh (for short "LAC"), vide award, assessed the market value of acquired land @ Rs. 40,000/- per acre for Chahi; Rs. 40,000/- per acre for Nehri; Rs. 20,000/- per acre for Barani; Rs. 7,000/- per acre for Banjar Kadim; and Rs. 15,000/- per acre for Gair Mumkin kinds of land.

[3] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the Act, which were decided vide award dated 22.02.2005 by learned Reference Court, whereby the market value of the acquired land was enhanced / assessed @ Rs. 1,60,000/- per acre for Chahi; Rs. 1,60,000/- per acre for Nehri; Rs. 80,000/- per acre for Barani; Rs. 28,000/- per acre for Banjar Kadim; and Rs. 60,000/- per acre for Gair Mumkin kinds of land.

[4] It is contended by learned counsel for the appellant that present appeal is squarely covered with the judgment dated 27.02.2015 passed in **CM No. 12937 to 12940-CI of 2014 and RA No. 99-CI of 2014** in **RFA No. 4241 of 2006**, titled "**Vijay and another Versus State of Punjab and others**", arising out of the same notification vide which the land of appellant was acquired.

[5] Learned State Counsel is not in a position to dispute the afore-stated factual position about judgment dated 27.02.2015 passed in **Vijay and another's case (supra)**; however, opposes payment of interest for the period, the appellant failed to approach this Court.

[6] I have heard learned counsel for the parties and gone through the paper-book.

[7] From the records, it is apparent that the present appeal is squarely covered with the judgment dated 27.02.2015 of **Vijay and another's case (supra)**, which is arising out of the same acquisition / Notification dated 29.06.1988 covering the same revenue estates i.e. **Villages Gonidwal, Jhander Kalan and Khak, Tehsil Tarn Taran, District Amritsar**, whereby the landowners have been held entitled for the modified amount of compensation @ Rs. 110/- per square yard. For reference, the relevant para-13 of judgment dated 27.02.2015 passed in case of **Vijay and another (supra)** reads as under:-

*“ 13. The amount of lease which has been brought out in the tabulation merely represents 25% of the annual value of lease as constituting the premium. The amount mentioned in the last column is premium paid. **The annual value must therefore, be taken as four times of the said amount and 55/- rupees of what I have held as what should have been correct, must reflect 25% of the lease, being the premium and the annual lease will be four times of the same, which shall be (55 x 4=) Rs. 220/- and applying 50% cut, it should be Rs. 110/- per square yard. This shall substitute the amount which I have already assessed as compensation payable per square yard. ”***

[7.1] Based upon the above, applying the principle of parity, besides award of just and fair compensation, the landowner / appellant being similarly situated is held entitled for grant of similar amount of compensation as has been awarded to other landowners vide judgment dated 27.02.2015 in case of **Vijay and another (supra)**, alongwith all other statutory benefits and interest thereupon as provided under the Act, except payment of interest for the period the appellant did not approach this Court after passing of Reference Court's Award.

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

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

October 03, 2023

‘dk kamra’

**(HARKESH MANUJA)
JUDGE**

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