

RFA No.7695 of 2014 (O&M)

2023:PHHC:150228

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

220

**CM No.2351-CI of 2022 in/and
RFA No.7695 of 2014 (O&M)**

Date of Decision: 23.11.2023

BHAG SINGH AND ANR**...Appellants****Vs****STATE FOF PUNJAB****....Respondent****CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA***

Present: Mr. N.K. Mehra, Advocate for
Mr. Harsh Manocha, Advocate
for the applicants-appellants.

Mr. Navneet Singh Kaliraman, Sr. D.A.G., Punjab.

HARKESH MANUJA, J. (Oral)**CM No.2351-CI of 2022**

Prayer made in this application under Section 151 CPC is for listing the main appeal by fixing some actual date of hearing which has already been admitted vide order dated 16.12.2014.

Notice in the application was issued on 04.08.2022.

For the reasons mentioned in the application, the same is allowed.

Main appeal is taken up for hearing today itself.

RFA No.7695 of 2014 (O&M)

[1]. By way of present appeal, challenge has been laid to the award dated 22.03.2014 passed by the Addl. District Judge, Fast Track Court, Ropar (hereinafter to be referred as 'the Reference Court'), whereby the Reference Petition filed at the instance of the appellants/landowners invoking Section 18 of

the Land Acquisition Act, 1894 (hereinafter to be referred as 'the 1894 Act') has been partly allowed and the compensation has been enhanced from Rs.5,40,000/- per acre as awarded by the Land Acquisition Collector exercising the powers under Section 11 thereof to Rs.6,60,000/- per acre besides granting other statutory benefits.

[2]. Briefly stating, certain land owned by the appellants/landowners, situated within the revenue estate of village Marauli Kalan, Tehsil Morinda, District Roopnagar was sought to be acquired vide notification dated 21.09.2001 issued under Section 4 of the 1894 Act followed by notification dated 12.04.2002, issued under Section 6 thereof. The purpose of acquisition was construction of bye pass road, Morinda. The award under Section 11 of the 1894 Act was passed by the Land Acquisition Collector on 05.02.2004 and the market value of the land was assessed @ Rs.5,40,000/- per acre besides granting other statutory benefits/interest.

[3]. Aggrieved against the aforesaid award dated 05.02.2004, the appellants/landowners filed Reference Petition under Section 18 of the 1894 Act, which came to the decided by the Reference Court vide award dated 22.03.2014 and the compensation was enhanced and the appellants/landowners were held entitled to the compensation @ Rs.6,60,000/- per acre. Still aggrieved against the award dated 22.03.2014 passed by the Reference Court, the appellants/landowners have filed the present appeal seeking further enhancement of the compensation.

[4]. Learned counsel for the appellants relies upon the decision dated 07.12.2019 passed in **RFA No.2208 of 2008** titled '**Bhag Singh vs. State of Punjab**', whereby the compensation was assessed @ Rs.10,46,742/- per acre besides other statutory benefits *qua* the land situated within the revenue estates of

villages Marauli Kalan (Mandouli Kalan) and Marauli Khurd (Mandouli Khurd) pertaining to acquisition carried out in terms of Notification dated 04.08.2000 issued under Section 4 of the 1894 Act.

[5]. Learned counsel further submits that there being difference of almost 13 months between the two notifications issued under Section 4 of the 1894 Act. In the aforementioned case of **Bhag Singh**, it was issued on 04.08.2000 and in the present case, the same was issued on 21.09.2001 and thus, learned counsel prays for grant of appropriate increase in the market value assessed @ Rs.10,46,742/- per acre as assessed in **Bhag Singh's** case (supra).

[6]. On the other hand, learned State counsel opposes the prayer made in the present appeal while submitting that there is no evidence on record, so as to establish any increase in the market value between the two dates of notification issued under Section 4 of the 1894 Act i.e. 04.08.2000 and 21.09.2001 and thus, in the absence thereof, no interference is warranted.

[7]. I have heard learned counsel for the parties and have gone through the paper book of this appeal. I find substance in the submissions made by learned counsel for the appellants.

[8]. As a matter of fact, undisputedly vide notification dated 04.08.2000, certain land situated in the revenue estates of villages Marauli Kalan (Mandouli Kalan) and Marauli Khurd (Mandouli Khurd) was acquired for the similar public purpose i.e. for the construction of bye-pass road Morinda and the compensation was assessed @ Rs.6,00,000/- per acre by the Reference Court vide award dated 30.11.2007 which on appeal before this Court, came to be enhanced @

Rs.10,46,742/- per acre vide order dated 07.12.2019 passed in **Bhag Singh's** case (supra).

[9]. Admittedly, the Reference Court in the present case while passing the award dated 22.03.2014 relied upon the Reference Court's award dated 30.11.2007 titled '**Sajjan Singh vs. State of Punjab**' in **LR No.171 of 2004** relating to determination of compensation *qua* the notification dated 04.08.2000 and granted increase @ 10% for the difference of period between two notifications dated 04.08.2000 and 21.09.2001 and assessed the market value of the acquired land @ Rs.6,60,000/- per acre besides granting other statutory benefits.

[10]. In the present case, the acquisition proceedings commenced vide notification dated 21.09.2001 i.e. after a gap of more than 13 months. Moreover, the award dated 22.03.2014 passed by the Reference Court was never assailed at the instance of the respondent/State thereby accepting the enhancement of compensation vide appreciation @ 10% by the Reference Court in **Bhag Singh's** case (supra). Thus, applying the same and granting appreciation @ 10%, over and above the amount assessed by this Court in **Bhag Singh's** case (supra) i.e. @ Rs.10,46,742/- per acre for the land situated in villages Marauli Kalan (Mandouli Kalan) and Marauli Khurd (Mandouli Khurd) pertaining to notification dated 04.08.2000, the amount of compensation in the present case as regards the notification dated 21.09.2001 issued under Section 4 of the 1894 Act pertaining to the land owned by the appellants/landowners in the revenue estate of village Marauli Kalan, Tehsil Morinda, District Roopnagar, is assessed @ Rs.11,65,273/- per acre besides grant of other statutory benefits/interest payable under the 1894 Act. This appeal stands allowed.

[11]. In view of law laid down by the Hon’ble Apex Court in *Haryana State Industrial Development Corporation vs. Pran Sukh & others, 2010(1) SCC 175*, the State shall also comply with the directions laid down therein to ensure that landowners are not fleeced by the middlemen, which read as under:-

- (a) *The Land Acquisition Collector shall depute officers subordinate to him not below the rank of Naib Tahsildar, who shall get in touch with all the land owners and/or their legal representatives and inform them about their entitlement and right to receive enhanced compensation.*
- (b) *The concerned officers shall also instruct the land owners and/or their legal representatives to open savings bank account in case they already do not have such account.*
- (c) *The bank account numbers of the land owners should be given to the Land Acquisition Collector within three months.*
- (d) *The Land Acquisition Collector shall deposit the cheques of compensation in the bank accounts of the land owners.*

[12]. All pending applications, if any, shall also stand disposed of.

November 23, 2023
Atik

(HARKESH MANUJA)
JUDGE

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