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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 27.05.2024

STATE OF PUNJAB AND ANOTHER

...Appellants

Versus

SHIROMANI GURDWARA PARBHANDHAK COMMITTEE,
AMRITSAR

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Ms. Jasleen Kaur Sidhu, DAG, Punjab.

Mr. Vivek Dahiya, Advocate for
Dr. Puneet Kaur Sekhon, Advocate,
for the respondent.

RAJBIR SEHRAWAT, J. (Oral)

1. Challenge in the present appeal is to the award dated 14.02.1995 passed by the Additional District Judge, Amritsar, whereby the reference filed by the respondent-land owner was accepted and the respondent was held entitled to the compensation of Rs.1,23,309/- more; alongwith interest, till the date of payment and was also held entitled to solatium @ 30% of the total amount of compensation.

2. The facts of this case, as can be delineated from the paper-book, are that built up property No.985/IV-25 situated in Kucha Mahant Mul Singh, Amritsar, was acquired by the Govt., vide notification dated 01.07.1988, for widening of streets, providing parking places, beautification and re-development of area around Golden Temple Complex, Amritsar. For

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the land underneath the building on the said property, the Land Acquisition Collector had awarded an amount of Rs.4,82,240/- as compensation to the respondent-land owner. Besides this, an amount of Rs.3,52,213/- was awarded to the respondent on account of the building on the said land after deducting an amount of Rs.1,23,309/- as depreciation value at the rate of 35%.

3. Challenging the said award passed by the Land Acquisition Collector, the land-owner filed the reference and the Reference Court has, though upheld the compensation awarded to the land-owner qua the land underneath the building, however, has set side the deduction of the amount of Rs.1,23,309/- and has held the land-owner entitled to the said amount which was held to have been illegally deducted. Challenging the said award passed by the Reference Court, the present appeal has been filed by the appellants-State.

4. Arguing the case, learned counsel for the appellants-State has submitted that no proof regarding the age of the building or the material used therein, was provided, nor any other material was brought on record by the land-owner to contest the deduction of the above-said amount of Rs.1,23,309/-. Hence, the deduction was rightly applied by the Collector.

5. On the other hand, learned counsel for the respondent has submitted that the Award has rightly been passed by the Reference Court. Therefore, the appeal deserves to be dismissed.

6. Having heard learned counsel for the parties and having perused the case file, this Court finds that the Land Acquisition Collector

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had already treated the class of the building on the land, to be a second class structure. The said finding has already been upheld by the Reference Court. However, even within the category of second class structure, if any deduction was required to be made that could have been done only on the basis of material led in evidence to justify the depreciation. But to show this fact, no evidence has been brought on record by the appellants-State. The argument of learned counsel for the appellants that no proof was provided regarding the age of the building and the material used therein, is totally irrelevant in view of the fact that the classification of the building thereon was fixed by the authorities only after inspecting the building, as such, and accordingly, the compensation itself has been granted only for the second class structure/building.

7. In view of the above, this Court does not find any illegality or impropriety in the finding recorded by the Reference Court that there was no justification for applying the deduction of Rs.1,23,309/- while making the payment of compensation to the land-owner/respondent.

8. Accordingly, the present appeal is dismissed. The parties shall bear their own costs.

9. Pending application, if any, shall stand disposed of.

27.05.2024

parveen kumar

**(RAJBIR SEHRAWAT)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No