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

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FAO-2782-2000 (O & M)

Date of decision: 17.05.2024

UNION OF INDIA

...Appellant

Versus

RAGHBIR SINGH

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Sunil Kumar, Advocate and
Mr. Lalit Attri, Advocate,
for the appellant-UI.

None for respondents No.1 to 4.

Mr. Gunjan Mehta, Addl. A. G. Punjab.
for respondent No.5.

RAJBIR SEHRAWAT, J. (Oral)**CM-16577-CII-2000**

1. This is an application under Section 5 of the Limitation Act seeking condonation of delay of 47 days in filing the appeal.

2. In view of the grounds mentioned in the application, the same is allowed and delay of 47 days in filing the appeal is condoned.

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1. Challenge in the present appeal is to the Award dated 08.02.2020 passed by the District Judge (Arbitrator), Gurdaspur, whereby the petition filed by respondents No.1 to 4-land owners was accepted and market price of the acquired land was fixed at the rate of Rs.450/- per marla.

2. The factual matrix of the case are that land of respondents No.1

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to 4 measuring 162 kanal 17 marla was acquired by the Union of India, vide notification dated 22.12.1969. Not satisfied with the compensation awarded by the competent authority, respondents No.1 to 4 had filed the writ petition before this Court seeking appointment of an Arbitrator in the matter. Accordingly, District Judge, Gurdaspur was appointed as an Arbitrator.

3. After appreciating the material on record, the Arbitrator assessed the market value of the acquired land at the rate of Rs.450/- per marla, however, at the same time, the request of claimants/land-owners for interest and solatium was rejected in terms of the earlier judgment of the Hon'ble Supreme Court. Challenging the said Award passed by the Arbitrator, the present appeal has been filed by the Union of India.

4. Arguing the case, learned counsel for the appellant has submitted that the value of the acquired land has been assessed at the higher rate. The material on record did not justify the market value determined by the Arbitrator. Hence, the present appeal deserves to be allowed.

5. However, the material on record shows that respondents No.1 to 4/land-owners had placed on record the sale exemplars showing much higher value of the surrounding property; than the value determined by the Arbitrator. Not only that, even in the previous acquisition in the same area, qua similarly situated land, the Arbitrator had awarded almost the same amount. The appellant had not led any evidence on record to show that the market value of the land was not at the rate of Rs.450/- per marla.

6. In view of the above, this Court does not find any illegality, impropriety or perversity in the Award passed by the District Judge



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(Arbitrator), Gurdaspur.

7. Accordingly, the present appeal is dismissed. The parties are to bear their own costs.

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

17.05.2024
parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

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