

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 20.7.2010

1) **RFA No. 3350 of 2002 (O&M)**

Bharat Petroleum Corporation Limited

.....Appellant

Versus

Harbans Kaur and others

.....Respondents

2) **RFA No. 1922 of 2002 (O&M)**

Gurbachan Singh

.....Appellant

Versus

State of Punjab and others

.....Respondents

3) **RFA No. 2002 of 2002 (O&M)**

Jagir Singh and another

.....Appellants

Versus

State of Punjab and others

.....Respondents

4) **RFA No. 2542 of 2002 (O&M)**

Joginder Singh and another

.....Appellants

Versus

Union of India and others

.....Respondents

5) **RFA No. 2543 of 2002 (O&M)**

Darshan Singh

.....Appellant

Versus

Collector Land Acquisition, Jalandhar and others

.....Respondents

6) **RFA No. 2544 of 2002 (O&M)**

Shangara Singh

.....Appellant

Versus

Union of India and others

.....Respondents

7) **RFA No. 2545 of 2002 (O&M)**

Surjan Singh

.....Appellant

Versus

Union of India and others

.....Respondents

8) **RFA No. 2546 of 2002 (O&M)**

Gulzar Singh

.....Appellant

Versus

Union of India and others

.....Respondents

9) **RFA No. 2547 of 2002 (O&M)**

Tarsem Singh

.....Appellant

Versus

Union of India and others

.....Respondents

10) **RFA No. 2699 of 2002 (O&M)**

Bakhshish Singh

.....Appellant

Versus

Union of India and others

.....Respondents

11) **RFA No. 3351 of 2002 (O&M)**

Bharat Petroleum Corporation Limited

.....Appellant

Versus

Jagir Singh and others

.....Respondents

12) **RFA No. 3352 of 2002 (O&M)**

Bharat Petroleum Corporation Limited

.....Appellant

Versus

Nirmal Singh (deceased) through LRs and others

.....Respondents

13) **RFA No. 3353 of 2002 (O&M)**

Bharat Petroleum Corporation Limited

.....Appellant

Versus

Jagan Nath (deceased) through LRs and others

.....Respondents

14) **RFA No. 3354 of 2002 (O&M)**

Bharat Petroleum Corporation Limited

.....Appellant

Versus

Surjan Singh and others

.....Respondents

15) **RFA No. 3355 of 2002 (O&M)**

Bharat Petroleum Corporation Limited

.....Appellant

Versus

Gurbachan Singh (deceased) through LRs and others

.....Respondents

16) **RFA No. 3356 of 2002 (O&M)**

Bharat Petroleum Corporation Limited

.....Appellant

Versus

Charan Singh and others

.....Respondents

17) RFA No. 3357 of 2002 (O&M)

Bharat Petroleum Corporation Limited

Versus

Raj Pal Singh and others

.....Appellant

.....Respondents

18) RFA No. 3358 of 2002 (O&M)

Bharat Petroleum Corporation Limited

Versus

Joginder Singh and others

.....Appellant

.....Respondents

19) RFA No. 3359 of 2002 (O&M)

Bharat Petroleum Corporation Limited

Versus

Piara Singh and others

.....Appellant

.....Respondents

20) RFA No. 3360 of 2002 (O&M)

Bharat Petroleum Corporation Limited

Versus

Kuldeep Kaur and others

.....Appellant

.....Respondents

21) RFA No. 3361 of 2002 (O&M)

Bharat Petroleum Corporation Limited

Versus

Darshan Singh and others

.....Appellant

.....Respondents

22) RFA No. 3362 of 2002 (O&M)

Bharat Petroleum Corporation Limited

Versus

Bakhshish Singh and others

.....Appellant

.....Respondents

23) RFA No. 3363 of 2002 (O&M)

Bharat Petroleum Corporation Limited

Versus

Smt. Sodha (widow) and others

.....Appellant

.....Respondents

24) RFA No. 3364 of 2002 (O&M)

Bharat Petroleum Corporation Limited

Versus

Tarsem Singh and others

.....Appellant

.....Respondents

25) RFA No. 3365 of 2002 (O&M)

Bharat Petroleum Corporation Limited

Versus

Karnail Singh and others

.....Appellant

.....Respondents

26) RFA No. 3366 of 2002 (O&M)

Bharat Petroleum Corporation Limited

Versus

Tarsem Singh and others

.....Appellant

.....Respondents

27) RFA No. 3367 of 2002 (O&M)

Bharat Petroleum Corporation Limited

Versus

Joginder Singh and others

.....Appellant

.....Respondents

28) RFA No. 3368 of 2002 (O&M)

Bharat Petroleum Corporation Limited

.....Appellant

Versus

Shri Bhagata (deceased) through LRs and others

.....Respondents

29) RFA No. 3369 of 2002 (O&M)

Bharat Petroleum Corporation Limited

.....Appellant

Versus

Gulzar Singh and others

.....Respondents

30) RFA No. 3370 of 2002 (O&M)

Bharat Petroleum Corporation Limited

.....Appellant

Versus

Surjan Singh and others

.....Respondents

31) RFA No. 3371 of 2002 (O&M)

Bharat Petroleum Corporation Limited

.....Appellant

Versus

Shangara Singh and others

.....Respondents

32) RFA No. 3372 of 2002 (O&M)

Bharat Petroleum Corporation Limited

.....Appellant

Versus

Gurmeet Kaur and others

.....Respondents

33) RFA No. 3373 of 2002 (O&M)

Bharat Petroleum Corporation Limited

.....Appellant

Versus

Gurdev Singh and others

.....Respondents

34) RFA No. 3566 of 2002 (O&M)

Raj Pal Singh and another

Versus

Union of India and others

.....Appellants

.....Respondents

35) RFA No. 3872 of 2002 (O&M)

Kuldeep Kaur and others

Versus

Union of India and others

.....Appellants

.....Respondents

36) RFA No. 3949 of 2002 (O&M)

Tarsem Singh and others

Versus

Union of India and others

.....Appellant

.....Respondents

37) RFA No. 3959 of 2002 (O&M)

Lal Singh (deceased) through LRs

Versus

Punjab State and others

.....Appellant

.....Respondents

38) RFA No. 4005 of 2002 (O&M)

Gurmit Kaur

Versus

State of Punjab and others

.....Appellant

.....Respondents

39) RFA No. 4026 of 2002 (O&M)

Avtar Singh and others

Versus

Punjab State and others

.....Appellants

.....Respondents

40) RFA No. 4027 of 2002 (O&M)

Joginder Singh

Versus

Union of India and others

.....Appellant

.....Respondents

41) RFA No. 4130 of 2002 (O&M)

Didar Singh

Versus

State of Punjab and others

.....Appellant

.....Respondents

42) RFA No. 4131 of 2002 (O&M)

Charan Singh

Versus

State of Punjab and others

.....Appellant

.....Respondents

43) RFA No. 4132 of 2002 (O&M)

Karnail Singh

Versus

State of Punjab and others

.....Appellant

.....Respondents

44) RFA No. 1311 of 2003 (O&M)

Bhagta (deceased) through LRs and others

Versus

Punjab State and others

.....Appellants

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Vishal Garg, Advocate for Bharat Petroleum Corporation.

None for the land owners.

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Rajesh Bindal J.

This order will dispose of above mentioned 44 appeals, as common questions of law and facts are involved.

In the appeals filed by Bharat Petroleum Corporation Limited (for short, 'the Corporation'), the prayer is for reduction in the amount of compensation for the acquired land.

In the appeals filed by the land owners, they are seeking further enhancement of compensation awarded by the learned court below for the acquired land.

The facts have been extracted from R.F.A. No. 3350 of 2002.

Briefly, the facts of the case are that vide notification dated 21.8.1991, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), land measuring 16 kanals and 15 marlas, situated in villages Suchipind and Chak Hussaina Lambapind was acquired for the project of the Corporation. The Land Acquisition Collector (for short, 'the Collector'), vide award dated 20.9.1993, assessed the market value of the acquired land in villages Suchipind and Chak Hussaina @ ₹ 1,500/- per marla. Dissatisfied with the award of the Collector, the land owners filed objections. On reference under Section 18 of the Act, the learned court below assessed the market value of the acquired land @ ₹ 1,780/- per marla.

Learned counsel for the Corporation submitted that it is a case of no evidence, but still the learned court below went on to enhance the value of the acquired land from ₹ 1,500/- per marla to ₹ 1,780/- per marla. The sale deeds produced by the land owners have rightly been discarded by the learned court below, being not of the comparative land. Once there was no material on record, there was no justification for the learned court below to have enhanced the value of the acquired land, as has been done vide impugned award.

No one has appeared for the land owners.

Heard learned counsel for the Corporation and perused the relevant referred record.

A perusal of the impugned award shows that the land owners

produced on record three sale deeds and an agreement to sell (Ex. P1 to Ex. P4), the details of which are extracted below:

Sr. No.	Name of Exhibit	Land sold/ agreed to be sold	Sale consideration	Date of transaction	Rate per marla
1.	Ex. P1 (Sale deed)	16 marlas	₹ 96,000/-	6.3.1991	₹ 6,000/-
2.	Ex. P2 (Sale deed)	0-3 marlas	₹ 27,000/-	30.11.1998	₹ 9,000/-
3.	Ex. P3 (Sale deed)	0-4 marlas	₹ 28,000/-	4.3.1991	₹ 7,000/-
4.	Ex. P4 (agreement)	27-1/2 marlas	₹ 1,37,500/-	21.5.1991	₹ 5,000/-"

The aforesaid sale deeds (Ex. P1 to Ex. P3) are of very small portion of land and cannot be taken into consideration for determining the fair value of the acquired land. Vide agreement to sell (Ex. P4), 27 kanals and ½ marlas of land was sold @ ₹ 5,000/- per marla. There is nothing on the record that the said agreement was ever acted upon. The land mentioned in the sale deeds and the agreement may have better location as no material has been produced on record to show that the land is situated in the close proximity of the acquired land. The learned court below also noticed the fact that the Collector took into consideration the sale transactions of Suchipind for the period of one year prior to the notification issued under Section 4 of the Act. The evidence available before the Collector, regarding the sale transaction in village Chak Hussaina Lambapind, was also discussed in the impugned award and on the basis thereof the average price of the acquired land was assessed at ₹ 1,780/- per marla.

The genuineness and relevance of the material, which has been discussed in the award of the learned court below cannot possibly be doubted. The learned court below has not committed any illegality in assessing the compensation on the basis of sale deed of the highest value pertaining to the land of the village under consideration. The same value has rightly been applied for other villages, as it is per chance that the land pertained to two villages, even though it is a compact block located at one place.

For the reasons mentioned above, I do not find any reason to interfere with the impugned award. Accordingly, the appeals filed by the Corporation are dismissed.

However, as the land owners remained unrepresented, the appeals filed by them are dismissed for non-prosecution.

(Rajesh Bindal)
Judge

20.7.2010
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