

<u>Sr.No.</u>	<u>Type of Land</u>	<u>Value assessed Rs. per acre</u>
i.	Chahi	Rs. 35,000/- per acre
ii.	Barani-I and II	Rs. 25,000/- per acre
iii.	Banjar Jadid	Rs.12,500/- per acre
iv.	Banjar Qadim	Rs.12,500/- per acre
v.	Gair Mumkin	Rs.1,000/- per acre
vi.	Gair Mumkin Abadi	Rs.35,000/- per acre

besides assessing the compensation *qua* the fruit bearing trees, non-fruit bearing trees and structure existing over the acquired land alongwith award of all other statutory benefits and interests provided under the 1894 Act.

3. Aggrieved of the award passed by the LAC, the respondents-landowners preferred reference petition under Section 18 of the 1894 Act, seeking enhancement of compensation *qua* structure existing over the acquired land. Upon consideration of the material available on record, the learned Reference Court vide its award dated 13.10.1998 partly allowed the reference petition with the final observation as under:-

“In view of the finding on the above issue the application of the applicant is accepted with costs. The applicant is awarded enhanced compensation of Rs.28,300/- The applicant will also be entitled to 12% per annum increase on the market value for the period commencing on and from the date of notification under Section 4 of the Act to the date of award of the Collector or the date of taking possession of the structure whichever is earlier under Section 23(1-A) of the Act. The applicant will also be entitled to solatium at the rate of Rs.30% and interest at the rate of 9% per annum on the enhanced amount of compensation for the first year from the date of taking possession and at the rate of 15% per annum for the subsequent

period till realisation. However, the amount of the award will be reduced to the extent the Collector has already awarded as compensation and received by the applicant. The respondents are directed to make the payment within three months from today. The counsel fee is assessed at Rs.300/-. Memo of costs be prepared accordingly and file be consigned.”

4. By way of present appeal, the aforementioned award dated 13.10.1998 has been assailed at the instance of appellant-UOI against the enhancement *qua* the structure.

5. No one has chosen to appear on behalf of the respondents-landowners.

6. I have heard learned counsel for the appellant(s) and gone through the paper book.

7. A perusal of record shows that there was no substantial dispute between the parties regarding the nature, extent and area of the disputed structure. The learned Reference Court even recorded a finding to the effect that the assessment report, the site plan adduced by the respondents (Mark R1) and also the site plan of the structure placed on record by the appellant (Ex. A1) tally with each other. This clearly established that both the parties showed same type of structure on the spot. Although the official who initially prepared the assessment report had expired; RW1, namely, Mohan Lal, SDO Grade III, Office of Defence Estate Officer, Pathankot categorically deposed that he was present at the time of preparation of the report and site plan, and that one of the applicants had signed the report in token of its correctness, which proves the authenticity of the assessment report.

7.1. Though AW2, namely, Ram Lubhaya, the building expert,

admitted in his cross-examination that he did not physically verify the foundation by digging it and had relied partly on the claimants' version and no documentary proof such as receipts for the materials used in the foundation was produced, however, the learned Reference Court already took a balanced approach on this aspect by disallowing excessive premiums and restricting the valuation of foundation work to 50% of the amount given by the building expert Ram Lubhaya in his report. Similarly, unjustified additions such as 10% premium for 'remote area' and 'electricity supply' were rightly excluded. As regards the contention of the appellant that the respondents failed to produce receipts for construction material is also devoid of merit, as the structure in question admittedly existed prior to 1987 and after the lapse of such a long time, receipts for the building material cannot be preserved or produced. Therefore, the compensation of Rs.28,300/- *qua* the structure along with all other statutory benefits under the 1894 Act awarded in favour of the respondents-landowners by the learned Reference Court, being based upon proper appreciation of evidence available on record, warrants no interference by this Court.

8. In view of the discussion made hereinabove, there being no misreading or mis-interpretation of evidence available on record by the learned Reference Court, no interference is called for. Resultantly, the appeal being devoid of any merits is hereby dismissed.

9. Pending application, if any, stands disposed of.

20.04.2026
sonika

(HARKESH MANUJA)
JUDGE

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