

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: October 31, 2008

(1) R.F.A. No. 18 of 1992

Ajit Singh

.. Appellant

v.

The State of Punjab

.. Respondent

(2) R.F.A. No. 19 of 1992

Mangal Singh

.. Appellant

v.

The State of Punjab

.. Respondent

(3) R.F.A. No. 250 of 1992

Joginder Singh and others

.. Appellants

v.

The State of Punjab

.. Respondent

(4) R.F.A. No. 1180 of 1992

Mukhtiar Singh and another

.. Appellants

v.

The State of Punjab

.. Respondent

(5) R.F.A. No. 1181 of 1992

Sukhdev Singh and another

.. Appellants

v.

The State of Punjab

.. Respondent

(6) R.F.A. No. 1182 of 1992

Virsa Singh and another

.. Appellants

v.

The State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. C. M. Munjal, Advocate for the appellants.

Mr. O.P. Dabla, Assistant Advocate General, Punjab
for the respondent.

Rajesh Bindal J.

This order will dispose of a bunch of six appeals bearing R.F.A. Nos. 18, 19, 250, 1180 to 1182 of 1992, as the same arise out of a common acquisition.

The facts have been extracted from R.F.A. No. 18 of 1992.

The land owners are in appeal before this Court against the award of the learned Court below seeking further enhancement of the compensation of the acquired land.

Briefly, the facts are that the land in question situated in villages Shajadi and Shakur was acquired vide notification dated 19.1.1988, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') for the purpose of construction of a drain. The Land Acquisition Collector (for short, 'the Collector') vide his award dated 28.3.1989 determined the market value of the acquired land @ Rs. 20,000/- per acre. Dissatisfied with the award, the land owners filed objections which were referred to the learned Court below for consideration, who considering the material placed on record by the parties, upheld the award of the Collector.

Learned counsel for the appellants submitted that the value of the land, as assessed by the learned Court below, is not in conformity with the evidence produced on record. Sale deed (Ex. P.1), vide which 4 kanals 3 marlas land was sold for Rs. 20,750/- at an average price of Rs. 40,000/- per acre, has been totally ignored. The same could very well be considered even

though it was three months after the date of acquisition. The land was located quite close to the land which was acquired for the purpose of construction of drain. He further submitted that reliance on the sale deeds, produced by the State, was not appropriate for the reason that the location thereof is not evident from the site plan produced on record by the State. The sale deeds may be for the land pertaining to the same village, but it was situated far off from the acquired land. Another contention raised is for enhancement of amount granted on account of severance of land which, according to the learned counsel for the appellants, is not in consonance with the damage suffered by them on account of bifurcation of the land into two parts.

On the other hand, learned counsel for the State submitted that the value of the land, as assessed by the learned Court below, is perfectly in order whereby the award of the Collector was upheld. Sale deed (Ex. P1), as is sought to be relied upon by the appellants, cannot be made basis for assessment of the value of the land as the same is after the date of acquisition. As far as claim for damages on account of severance is concerned, the submission is that there is no evidence on record which could be relied upon by the land owners to seek further enhancement on that account.

Heard learned counsel for the parties and perused the record.

A perusal of the sale deeds, produced by the State on record, shows that the same were showing value less than the award of the Collector. Even in sale deeds (Ex. R1 and Ex. R2), which were subsequent to the date of acquisition, the value of the land, situated in the same village to which the acquired land belonged, was Rs. 16,000/- and Rs. 17,000/- per acre respectively, whereas the award of the Collector itself was Rs. 20,000/- per acre. In the present case, the acquisition is for construction of a drain which passes through the interior where the acquisition is for a strip of land which is not necessarily located on a main road. Reliance on an isolated sale transaction (Ex. P1) which was registered after the acquisition of the land would be totally misplaced, as the same cannot be said to be showing the fair value of land in the village, when other transactions pertaining to similar chunk of land at the same time were showing almost half the value.

Accordingly, in my considered opinion, the impugned award of the learned Court below does not call for any interference on this account.

Even on account of severance also, there is no evidence in the form of location in the site plan as to how and in what manner, the land of various owners has been bifurcated and how it had become difficult for them to cultivate the same. In the absence thereof, the award of 10% on that account also does not call for any further increase.

For the reasons mentioned above, I do not find any merit in the present set of appeals. Accordingly, the same are dismissed.

(Rajesh Bindal)
Judge ,

October 31, 2008

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