

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

RFA No.1780 of 1991

Date of Decision: 31.1.2009

State of Punjab and others

..Appellants.

Vs.

Bawa Singh and another

...Respondents.

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.N.S.Pawar, Addl.AG Punjab for the appellants.

None for the respondents.

RAKESH KUMAR JAIN, J.(ORAL)

This common judgment shall dispose of 4 Regular First Appeals bearing Nos.1780 to 1783 of 1991 as identical question of law and facts are involved therein. These appeals have been filed by the State of Punjab against the award of Additional District Judge, Gurdaspur dated 5.3.1991.

Land situated in village Kathlaur was acquired on 7/12.7.1988 with the issuance of a notification under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') followed by a notification of declaration issued under Section 6 of the Act dated 19.1.1989. The Land Acquisition Collector (for short 'the Collector') vide his award dated 31.3.1989, awarded the compensation as under :

i) Barani	Rs.6,000/-
ii) Salab	Rs.3000/-
iii) Salab River	Rs.3000/-

iv)Banjar Jadid	Rs.2000/-
v) Gair Mumkin abadi	Rs.1500/-
vi)Gair Mumkin river	Rs.1500/-

The aggrieved land owners were not satisfied with the award of the Collector, as such they filed Objections under Section 18 of the Act, which were referred by the Collector to the Civil Court for adjudication. Both the parties to the lis led their oral as well as documentary evidence. After taking into account the evidence led by the parties, the learned Reference Court vide impugned award dated 5.3.1991 granted compensation @ Rs.13,000/- per acre for land recorded as Barani, Salab and Salab river in the revenue record and Rs.10,000/- per acre for other kinds of land. Besides the learned Reference Court also awarded all statutory benefits in terms of the provisions of the Amended Act.

Sh.N.S.Pawar, Addl.AG Punjab has vehemently contended that the Reference Court has committed an error of law while ignoring sale deeds tendered by the State Ex.R2 to Ex.R9 although he admits that value of the sale deeds is less than the award of the Collector.

In view of this fact, the aforesaid sale deeds in my view, cannot be taken into consideration and have been rightly ignored by the Reference court in view of Section 25 of the Amended Act.

No other point has been raised in these appeals. Thus, the present appeals are found to be devoid of any merit and are dismissed without any order as to costs.

31.1.2009
Meenu

(Rakesh Kumar Jain)
Judge