

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

R.F.A. No. 864 of 2004 (O&M)
Date of decision: 29.1.2010

Anil Malhotra

.. Appellant

v.
Union Territory, Chandigarh

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. P. C. Dhiman, Advocate for the appellant.
Mr. Vishal Sodhi, Advocate for Union Territory, Chandigarh.

Rajesh Bindal J.

The appellant is in appeal before this Court against the award of the learned Court below for further enhancement of the compensation on account of super structure and trees on the acquired land.

Briefly, the facts are that vide notification dated 20.8.1998, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), Union Territory, Chandigarh acquired the land forming part of the revenue estate of villages Nizampur Burail, Nizampur Kumbra, Kajheri and Jhumru for development of third phase of Chandigarh. The same was followed by notification dated 16.11.1998, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') assessed the market value of the acquired land and granted compensation for the super structures erected on the acquired land. However, the Additional District Judge, on reference under Section 18 of the Act, partly accepted the petition and granted enhancement in the valuation of super structures by 25% over and above the amount of compensation fixed by the Collector.

Learned counsel for the parties are agreed that the claim made for further enhancement on account of super structure, trees, tubewell etc. does not call for any interference in view of the judgment of this Court in R.F.A. No. 579 of 2006 –Smt. Akko Devi and others v. Union Territory, Chandigarh and another, decided on 1.10.2008, whereby the land owners were awarded compensation on the value assessed at PWD rates with 25% increase thereon as in the present appeal, the learned court below has already awarded compensation in terms of the

aforesaid judgment.

Accordingly, the present appeal is dismissed.

(Rajesh Bindal)
Judge

29.1.2010
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