

Ram Lok and Another Vs. Ram Lok and Another

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Court : Punjab and Haryana

Decided On : Aug-02-2014

Appellant : Ram Lok and Another

Respondent : Ram Lok and Another

Judgement :

1 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH RFA No.381 of 1994 Date of Decision : August 2nd , 2014 (1) State of HaryanaAppellant Versus Ram Lok and another ...Respondents (2) RFA No.683 of 1994 Ram Lok and another .Appellants Versus The State of Haryana .Respondent
CORAM : HONBLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON. Argued by : Mr. Rajeev Kwatra, Senior Dy. Advocate General, Haryana. None for the respondents. Dr. Bharat Bhushan Parsoon, J.

These two Regular First Appeals, one from the State of Haryana and another from the land owners are directed against the award rendered under Section 18 of the Land Acquisition Act, 1894 (hereinafter mentioned as the Act) whereby market value of the land was enhanced as per detailed in the Award given by the reference Court. RAKESH KUMAR201408.08 12:12 I attest to the accuracy and integrity of this document 2 2. Some facts relevant for adjudication of this appeal are given hereunder in tabular form:- i. Date of Notification under 23.05.1983 Section 4 of the Act ii. Location of land Village Raily, Panchkula, Haryana. iii. Date of announcement of 22.09.1986 award by the Collector iv. Purpose of acquisition of As Residential, land Commercial & Industrial Area. v. Date of announcement of

14.10.1993 award by reference Court.

3. Whereas the appellant land owner is dissatisfied with the compensation awarded at the market rate arrived at by the reference Court at Rs.75/- per sq. yd. it from Rs.20/- per sq. yd. given by the Collector, State of Haryana is aggrieved with such increase claiming it to be higher unrealistic and exorbitant.

4. The appellant land owner has claimed that the land was of great potential value as it was situated along with Ambala-Kalka-Shimla National Highway adjoining Sector 11 of Urban Estate, Panchkula. It is claimed that there is sharp growth of residential and commercial activities around this area and thus market value of the land was very high. The land owner has claimed that rate of land was not less than Rs.500/- per sq. yd.

5. The State of Haryana on the other hand has claimed that the reference Court wrongly relied upon another decision in another Award which was challenged by the State. It is claimed that market value of the land was correctly assessed at the Collector rate @ Rs.20/- per sq. yd and should not have been enhanced to Rs.75/- per sq. yd.

6. Counsel for the parties have been heard while going through the RAKESH KUMAR201408.08 12:12 I attest to the accuracy and integrity of this document 3 impugned award of the reference Court, grounds of appeal as also the record of the reference Court.

7. Strategic location and incidental aspects of the acquired land are not in dispute. It is located close to Ambala-Kalka-Shimla National Highway and its immediate vicinity of Sector 11 of Urban Estate, Panchkula. In fact, Sector 12-A Urban Estate, Panchkula is located adjacent to the acquired land.

8. During the course of arguments, it has not been disputed that land of Village Raily of many land owners had been acquired vide notification dated 23.05.1983 which incidentally is also the date of notification of acquisition of land in the present appeals. Sixty Seven references in respect of this very acquisition were decided by another reference Court on 17.09.1992 where main case was LAC

No.39 of 09.03.1992/06.05.1991 titled Rai Singh Vs. State of Haryana. Market value of the land in terms of per sq. yd was determined as Rs.75/- per sq. yd. It is apparent that reference of the appellant land owner had not been received till then and that is why it could not be decided along with the other similarly situated pending references.

9. Relying upon the said determination of market value in Award of 17.09.1992, the reference Court had rightly determined the market value of the acquired land on the date of issuance of notification under Section 4 of the Act as Rs.75/- per sq. yd. for the acquired land. Honble Supreme Court of India in case titled as Karan Singh Vs. Union of India 1997 AIR3889 has held that previous Awards announced by the Courts are good piece of evidence which may be relied upon for the determination of market value of the acquired land.

10. No ground has been made out by the land owner regarding its enhancement. Similarly, the appellant-State has also not been able to point out any mistake in the Award rendered by the reference Court except for urging that the appeal has no merit. First appeal against the said Award had also been filed by the State neither there is any stay order regarding further proceedings in the present appeal nor there is any assertion from the appellant-State of Haryana that Award of the reference Court which forms foundation of the present award has been reversed, RAKESH KUMAR201408.08 12:12 I attest to the accuracy and integrity of this document 4 modified or rescinded by this Court. The reference Court in the present case has rightly enhanced the compensation from Rs.20/- ascertained by the Collector to Rs.75/- per sq. yd. on the date of notification under Section 4 of the Act with all consequential, statutory and other benefits.

11. Keeping in view the totality of above facts and circumstances, it is held that the compensation was rightly assessed by the reference court. Sequally, affirming the impugned order dated 14.10.1993, both the appeals being without any merit, are dismissed. Leaving the parties to bear their own costs. August 2nd ,2014 (Dr. Bharat Bhushan Parsoon) rakesh kumar Judge 1. Whether Reporters of local papers may be allowed to see the judgment?. yes 2. Whether to be referred to the Reporters or not?. yes 3. Whether the judgment should be reported in the Digest?.

yes RAKESH KUMAR201408.08 12:12 I attest to the accuracy and integrity of this document

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