courtkutchehry.com

Company: Sol Infotech Pvt. Ltd.

Website: www.courtkutchehry.com

Printed For:

Date: 18/10/2025

Union of India Vs Manga Singh and Others

F.A.O. No. 577 of 1983 and Cross-Objection No. 6-CII of 1984

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Nov. 12, 1986

Acts Referred:
Requisitioning and Acquisition of Immovable Property Act, 1952 â€" Section 7

Hon'ble Judges: M.M. Punchhi, J

Bench: Single Bench

Advocate: H.S. Brar and Mr. P.S. Teji, for the Appellant; Rajiv Bhalla, for the Respondent

Final Decision: Allowed

Judgement

M.M. Punchhi, J.
This judgment will dispose of F.A.O. Nos. 577 and 578 of 1983 and the corresponding Cross Objections Nos. 6-C.II

and 7-C.II of 1984. The undisputed facts giving rise to these matters are these.

2. The Union of India years ago had requisitioned some land of the claimant-Respondents and having assumed possession thereon had established

a Cantonment. It was thus in the use of the Union of India when, vide notification dated 28th March, 1970, the said requisitioned land was

acquired u/s 7 of the Requisitioning and Acquisition of Immovable Property Act, 1952. The avowed object of acquisition was for defence

purposes The land was situated in villages Gura and Sadhori. The compensation offered by the Special Land Acquisition Collector was not

acceptable to the claimant-Respondents and they took the matter to arbitration before Shri D. S, Dhaliwal, Additional District Judge, Gurdaspur.

He, vide award dated 18th March, 1983, awarded Rs. 140/- per marla (Rs. 2800/- per kanal) for the land acquired Additionally, he awarded

solatium at the rate of 15 per cent and interest at the rate of 6 per cent per annum on the ehanced amount of compensation from the date of the

acquisition till payment. The Respondents want further enhancement and ancillary reliefs, but the Appellant reduction.

3. The matter in controversy is almost covered by a decision made by me in F. A. O. No. 793 of 1984. (Union of India v. Babu Ram F. A. O.

No. 793 of 1984) decided on 23rd April, 1986. I had in that case held as follows:

The Arbitrator based his award only on one fact and that was the guideline provided in award Exhibit A-1 passed by a co-Arbitrator in an earlier

acquisition dated 27th February, 1970, in which was involved the land of village Gura. As is plain, the acquisition involved in Exhibit A-1 was just

a month earlier to the present acquisition. The finding recorded by the Arbitrator is that villages Gura and Tharyal are adjacent villages and that

their lands are of the same quality. What goes for Tharyal must necessarily go for Sadhori because these two are also adjacent villages. For the

acquisition of land in Village Gura, the Arbitrator had awarded Rs. 150/- per marla, yet the present Arbitrator awarded the rate of Rs. 120/- per

marla, i.e. a rate lesser. There is no ostensible reason for such disparity. The award should have rested at Rs. 150/- per marla. Keeping that

measure in view, I would allow the Cross-Objections and award a sum of Rs. 150/-per marla to the Cross-Objectors as compensation for their

respective lands, of course holding that there is no merit in the appeals so as to warrant any reduction in compensation. In addition to the

compensation at the rate of Rs. 150/-per marla, the Cross-Objectors would be entitled to a solatium of 30 per cent instead of 15 per cent on the

entire compensation payable to them On the compensation now assessed plus solatium so determined, the claimant-Cross-Objectors would be

entitled to interest at the rate of 9 per cent per annum from the date of taking of possession till the expiry of one year thereof and at the rate of 15

per cent per annum for the period subsequent to one year till the payment is made.

4. Those appeals and Cross-Objections were thus decided on the terms afore-extracted.

5. As is plain, the notification of acquisition in the instant case is also of 28th March, 1970 as in the case referred to above. It is also plain that the

rates of compensation applicable to the land acquired in villages Gura vide Exhibit A-1 produced in that case was applied to village Tharyal and

Sadhori and Rs. 150/- per marla was awarded, Now, instead, the land acquired is in villages Gura and Sadhori, the villages already dealt with and

referred to in the aforesaid case. Thus, it is clear that on the same reasoning, the claimant-Respondents, shall be entitled to an award on the land

acquired at the rate of Rs. 150/- per marla. Keeping that measure in view, I would dismiss the appeals of the Union of India and partially allow the

Cross-Objections and award a sum of Rs. 150/- per marla (the claim being for Rs. 175/- per marla) to the Cross Objectors as compensation for

their respective acquired lands. Besides, they would also be entitled to a solatium at the rate of 30 per cent instead of 15 per cent on the entire

compensation payable to them. On the compensation now assessed plus solatium so determined, the claimant-Cross objectors would also be

entitled to interest at the rate of 9 per cent per annum from the date of taking possession till the expiry of one year thereof and at the rate of 15 per

cent for the period subsequent to one year till the payment is made. The appeals and Cross-Objections are thus decided in the above terms with

costs.