

(2003) 09 P&H CK 0048

High Court Of Punjab And Haryana At Chandigarh

Case No: Regular First Appeal No. 650 of 1982

Smt. Dhan Devi

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision: Sept. 3, 2003

Acts Referred:

- Land Acquisition Act, 1894 - Section 23

Citation: (2003) 135 PLR 876

Hon'ble Judges: S.S. Nijjar, J

Bench: Single Bench

Advocate: Pritam Saini, for the Appellant; H.S. Saran, Addl. A.G. Punjab, for the Respondent

Final Decision: Allowed

Judgement

S.S. Nijjar, J.

This Regular Second Appeal is directed against the decision rendered by Shri T.S. Cheema, District Judge, Gurdaspur, in land reference No. 53 of 1981 whereby the appellant has been awarded a sum of Rs. 30,000/-as compensation for structure over the acquired land together with solatium and interest as provided under the Land Acquisition Act.

2. Govt. of India required land for expansion of Pathankot Cantonment. Accordingly the whole of the revenue estate of village Jakral, Had Bast No. 385 was acquired by issuing notification u/s 4 of the Land Acquisition Act, bearing No. 8061-8JJ/PB/5375/ACQ/23437.

3. Dis-satisfied with the compensation awarded by the Land Acquisition Collector the appellant had filed the reference u/s 18 of the Act.

4. According to Shri Pritam Saini, the District Judge erred in law by reducing the number of rooms from 1 to 5 and also by only applying the multiplier of 10 for

calculation of the market price.

5. Shri H.S. Sran, on the other hand submitted that in fact the compensation awarded is excessively high. The house was built in agricultural land and, therefore, was of no commercial value.

6. I have considered the submissions made by the counsel for the parties.

7. Admittedly, one of the rooms was rented out to Amar Nath AW3 on monthly rent of Rs. 70/-. The house consists of seven rooms. Distt. Judge, however, came to the conclusion that the central rooms will not attach as much the rent as the other rooms. Therefore, the same standard will not be applied to the central room the rental value of which was assessed at Rs. 50/- p.m. The total annual rental value of the premises was, therefore, assessed at Rs. 300/-. Therefore, the total value of the super structure has been put at Rs. 30,000/-.

8. Having considered the entire matter, I find substance in the submission of Shri Pritam Saini that the multiplier of at least 16 ought to have been applied. No cogent reason has been given by the Distt. Judge to apply the multiplier to 10. In similar circumstances, multiplier ranging from 16 to 20 has been applied. I do not however, find any merit in the submission of Shri Sran that there was any error in rationalising the number of rooms from 7 to 5.

9. Consequently, the Regular Second Appeal is allowed. The market value of the super structure shall be calculated by applying the multiplier of 16 to the annual rental value. Consequently, the judgment of the District Judge is modified only to the extent that instead of Rs. 30,000/- the appellant is entitled to Rs. 48,000/- as compensation. She will also be entitled to the other relief granted by the District Judge.

No costs.