

(2009) 03 P&H CK 0280

High Court Of Punjab And Haryana At Chandigarh

Case No: None

State of Haryana

APPELLANT

Vs

Gurbachan Singh (deceased)
through his L.Rs.

RESPONDENT

Date of Decision: March 30, 2009

Acts Referred:

- Land Acquisition Act, 1894 - Section 4, 6

Hon'ble Judges: Rajesh Bindal, J

Bench: Single Bench

Judgement

Rajesh Bindal, J.

1 The State is in appeal seeking reduction of the amount of compensation awarded by the learned court below.

2. Briefly, the facts are that land measuring 5.11 acres, situated in village Talheri, Tehsil Pehowa was acquired vide notification dated 26.10.1971 issued u/s 4 of the Land Acquisition Act, 1894 (for short, 'the Act') for construction of link road from Ambala- Hissar road to village Chanalheri via Talheri, District Kurukshetra. The same was followed by notification dated 3.7.1973, issued u/s 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') gave award of Rs. 5,000/- per acre for Chahi land; Rs. 4,000/- per acre for Barani land; Rs. 3,000/- per acre for Banjar Jadid Kadeem land and Rs. 2,000/- per acre for Gair Mumkin kind of land. Aggrieved against the same, the land owners filed objections which were referred to the learned Additional District Judge, Kurukshetra, who keeping in view the material placed on record by the parties, assessed the market value of the acquired land @ Rs. 8,000/- per acre.

3. Learned Additional Advocate General, appearing for the State, submitted that the claim made in the present appeal is squarely covered by a judgment of this Court in R.F.A. No. 2002 of 1994 State of Haryana v. Pala Singh, decided on 23.5.1997,

whereby the impugned award passed by the learned court below in other land references pertaining to the same acquisition was set aside and the award of the Collector was restored.

4. No one has appeared for the respondents to controvert the contentions raised by learned Counsel for the State.

5. A perusal of the paper book shows that acquisition in the present case was carried out way back in 1971 of land. The land on spot on measurement was found to be 5.11 acres. The object was for the purpose of construction of a link road from Ambala-Hissar road to Village Chalheri. The Collector assessed the value of the land at different rates considering the quality thereof being Chahi, Barani, Banjar Jadid Kadeem and Gair Mumkin ranging from Rs. 2,000/- to Rs. 5,000/- per acre. Though notification u/s 4 of the Act was issued on 26.10.1971, but the award was pronounced on 27.3.1985. As the learned court below had considered the sale deeds which were before the pronouncement of the award, this Court in Pala Singh's case (supra) set aside the award.

6. Accordingly, for the reasons stated in Pala Singh's case (supra), the impugned award is set aside. However, considering the peculiar facts of this case where the acquisition was carried out on 26.10.1971 and this is the only appeal left out of the acquisition to be decided, about 27-28 years thereafter where the acquisition was merely for 5.11 acres of land and the Collector's award was ranging from Rs. 2,000/- to Rs. 5,000/- per acre, it is directed that the amount of enhanced compensation already paid to the respondent be not recovered from him.

7. The appeal is disposed of accordingly.