

(2021) 12 SHI CK 0056

In the High Court Of Himachal Pradesh

Case No : Regular First Appeal No. 312 Of 2010 Along With Cross Objections No. 34 Of 2011

G.M. Northern Railways New Delhi

APPELLANT

Vs

Ram Swaroop (Deceased) And Others

RESPONDENT

Date of Decision : 15-12-2021

Acts Referred:

Land Acquisition Act, 1894 — Section 4, 54

Citation : (2021) 12 SHI CK 0056

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : Rahul Mahajan, Arun Kumar, H.K. Bhardwaj, Sudhir Bhatnagar, Desh Raj Thakur, Narinder Thakur, Kamal Kishore, Gaurav Sharma

Final Decision : Disposed Of

Judgement

Sandeep Sharma, J

1. Instant appeal filed under S. 54 of Land Acquisition Act, 1894, lays challenge to award dated 23.3.2010 passed by learned District Judge, Una, Himachal Pradesh, in Land Reference Petition No. 12 of 2005, titled Ram Sarup vs. the Land Acquisition Collector(Railways), Una, whereby amount of compensation awarded by Land Acquisition Collector (Railways) came to be enhanced.

2. Precisely, the facts of the case, as emerge from the record, are that the land of the respondent No.1 alongwith other villagers, came to be acquired for the construction of Nangal-Talwara Broad Gauge railway line in 2001. Acquisition proceedings commenced with Notification dated 9.7.2001. After completion of codal formalities, Land Acquisition Collector Railways passed Award No.30, dated 28.12.2001, awarding compensation therein on the basis of classification of the land. Being aggrieved and dissatisfied with the amount of compensation awarded by Land Acquisition Collector, respondent No.1 herein alongwith other similarly situate persons filed reference petitions before learned District Judge, Una,

praying therein for enhancement of compensation. Learned District Judge in the reference petitions having been filed by various persons, including present respondent No.1, enhanced the compensation, however, the appellant being dissatisfied with the enhancement made by learned District Judge, vide award dated 23.3.2010, passed in the case of respondent No.1, preferred the instant appeal. Though the appeal at hand stands admitted and entire amount of compensation stands deposited with the Registry of this Court on 2.12.2010, but before the appeal at hand, could be heard and decided on its own merit, learned counsel for the parties, while inviting attention of this court to judgment dated 20.9.2016 passed by Coordinate Bench of this Court in RFA No. 147 of 2010 alongwith connected matters, contended that the appeal at hand is squarely covered by aforesaid judgment and as such, same can be disposed of in the same terms.

3. Careful perusal of judgment dated 20.9.2016 (supra) passed by Coordinate Bench of this Court reveals that reference court, while enhancing amount of compensation as awarded by Land Acquisition Collector, placed reliance upon award dated 27.2.2010 passed in ref petition 19/05 titled Bhagat Ram vs. Land Acquisition Collector, which came to be upheld in RFA No. 155 of 2010 titled Bhagat Ram vs. Land Acquisition Collector and others.

4. Since it is not dispute inter se parties, that the land of the respondent No.1 herein also came to be acquired for the same purpose, and all other similarly situate persons, whose land was also acquired for construction of railway line, stand awarded enhanced amount of compensation, case of respondent No.1 also deserves to be considered and decided in light of judgment dated 20.9.2016 supra, which has otherwise attained finality.

5. It is not in dispute before this Court that similar situate claimants, whose land also came to be acquired for construction of Nangal-Talwara Railway Line, in the acquisition proceedings commenced with the publication of Notification issued under Section 4 of the Act, had filed land reference petitions before the learned District Judge, Una, praying therein to enhance the compensation awarded by the Land Acquisition Collector in its award. Those reference petitions were clubbed and disposed of by common award dated 27.2.2010, wherein the Reference Court re-determined the market value of entire land irrespective of classification and nature of the land on uniform basis and awarded a sum of Rs.75,000/- per Kanal.

6. Being aggrieved and dissatisfied with the aforesaid award passed by learned District Judge, Una, the appellant filed different appeals, which came to be disposed of by a Coordinate Bench of this Court vide judgment dated 29.9.2016 passed in a batch of appeals i.e. RFA No. 147 of 2010, titled General Manager, Northern Railway v. Mani Ram & others and other connected matters, by holding that the reference court has rightly determined the market value of land at the rate of Rs.75,000/- per Kanal, irrespective of nature and classification of land in.

7. Learned counsel, representing the appellant, while fairly acknowledging the factum with regard to passing of judgment dated 20.9.2016 in Mani Ram (supra), conceded that claimant-respondent in the case at hand is also entitled for compensation at the rate of Rs.75,000/- per Kanal irrespective of nature and classification of land as per the said judgment. Learned counsel for the respondent also acceded to the market value of the land determined in "Mani Ram" (supra).

8. Consequently, in view of detailed discussion made hereinabove as well as fair stand adopted by learned counsel representing the appellants, present appeal is dismissed and it is ordered that directions contained in Mani Ram (supra), shall mutatis mutandis apply to the present cases also.

Interim order, if any, is vacated. All the miscellaneous applications are disposed of.