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**(2010) 10 P&H CK 0171**

**In the Punjab And Haryana At Chandigarh**

**Case No :** Regular First Appeal No. 2400 of 2007 (O and M)

Gurdayal

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

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**Date of Decision :** 08-10-2010

**Acts Referred:**

Land Acquisition Act, 1894 — Section 18, 4

**Citation :** (2010) 10 P&H CK 0171

**Hon'ble Judges :** Rajesh Bindal, J

**Bench :** Single Bench

**Final Decision :** Dismissed

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**Judgement**

Rajesh Bindal, J.—This order will dispose of appeals bearing RFA Nos. 2400 to 2404 of 2007, as the same arise out of common acquisition.

2. The land owners are before this Court seeking enhancement in compensation for the trees existing on the acquired land.

3. The facts have been extracted from RFA No. 2400 of 2007.

4. Briefly, the facts of the case are that vide notification dated 10.12.1992 issued u/s 4 of the Land Acquisition Act, 1894 (for short, "the Act"), the State of Haryana acquired land situated in revenue estate of Palwal, Hadbast No. 73, District Faridabad, along with fruit/non-fruit bearing trees and superstructures for public purpose. The Land Acquisition Collector assessed compensation for the fruit bearing trees standing on the acquired land vide award dated 25.9.1997. Dissatisfied with the award of the Collector, the landowners filed objections. On reference u/s 18 of the Act, the learned court below vide award dated 28.4.2006, assessed the compensation for the fruit bearing trees as per Dr. Nijjar's formula. It is this award which is impugned before this Court.

5. A perusal of the impugned award shows that the learned court below had granted compensation to the landowners on account of acquisition of trees by

assessing the value thereof as per Dr. Nijjar's formula, which is judicially accepted. Further increase thereon in terms of difference in wholesale price index from 1985 to 1992, had also been awarded. Learned Counsel for the Appellants has not been able to point out as to what illegality has been committed by the learned court below in assessing the value of fruit bearing trees in terms of the settled proposition of law. The evidence produced by the landowners cannot be relied upon in preference to a set formula judicially accepted for valuation of trees standing on the acquired land.

6. Accordingly, I do not find any merit in the appeals and the same are dismissed.