
(1999) 01 P&H CK 0010

In the Punjab And Haryana At Chandigarh

Case No : Letter Patent Appeal No. 179 of 1989

Hardyal Kaur and Others

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 19-01-1999

Acts Referred:

Land Acquisition Act, 1894 — Section 23

Citation : (1999) 122 PLR 68 : (1999) 4 RCR(Civil) 363

Hon'ble Judges : N.C. Khichi, J; Jawahar Lal Gupta, J

Bench : Division Bench

Advocate : M.L. Sarin and Gagan Pradeep S. Bal, for the Appellant; P.D.S. Chhinna, D.A.G., for the Respondent

Judgement

Jawahar Lal Gupta, J.—The State of Punjab published a notification u/s 4 of the Land Acquisition Act, 1894. By this notification, the Government sought to acquire land measuring 60 Kanals 12 Marias for the extension of Guru Gobind Singh Medical College and Hospital at Faridkot. The Land Acquisition Collector awarded compensation @ Rs. 30,000/per acre. Compensation for the structures etc. was separately awarded. The land owner were not satisfied. On reference, the learned Additional District Judge, Faridkot fixed the market value at Rs. 36,000/- per acre. On appeal, the learned Single Judge determined the market value at Rs. 80,000/- per acre. Still not satisfied, the land owners have filed the present Letters Patent Appeal.

2. Counsel for the parties have been heard.

3. The learned Single Judge has found that the "acquired land has a situation potential of being used for residential and commercial purposes ..." It is "at a distance of 3 killas from the buildings of the Panchayat Bhawan, Red Cross Bhawan and PWD Rest House at Faridkot." It has been further found that "the perusal of the certified copy Ex.A.3 of the award of the learned District Judge as well as certified copy Ex.A.4 of the order of the High Court pertaining to the land acquired for Faridkot Cantonment reveals that the said land was located along

the main Faridkot Sadaq road as well as the Cantonment road, but all the same, the acquired land in the present case being located nearer to the above referred office buildings as well as adjoining the buildings of the Medical College, there is no option but to conclude that it has a better situation potential than the land (which was the) subject matter of the order of the High Court Ex;A.4. After examination of the matter, it was held that the market price of the land which was acquired in the year 1974 for the establishment of the Cantonment was fixed at Rs. 60,000/- per acre. With the lapse of about six years, the value of that land would be at least 1,20,000/- per acre. Despite this finding, the learned Single Judge imposed a cut of 1/3rd and fixed the value at Rs. 80,000/- per acre.

4. Mr. M.L. Sarin, learned counsel for the appellants contends that the land is nearer the town. It is within the municipal limits. It is better situated than the land which had been acquired for the Cantonment. In this situation, there was no justification for imposing a cut of 33%.

5. We think the counsel is right. If the value of the land which had been acquired for the Cantonment and is located outside the municipal limits, was fixed at Rs. 60,000/- per acres in the year 1974 and its value in the year 1980 was assessed to be Rs. 1,20,000/- per acres, it could not be said that the market value of the land which was within municipal limits would be 33% less. After taking into consideration the various factors, we feel that a cut of 33% was not justified. In the circumstances of the case, we feel that keeping in view the facts that the land was about 40 karams away from the main road, its value should have been reduced suitably say to the level of Rs. 1 lac per acre. In the circumstances, this would be a just and fair price for the acquired land. We order accordingly.

6. As a result, the appeal is partly allowed. The market value of the land is enhanced from Rs. 80,000/- per acre to Rs. 1 lac per acre. Further reliefs as admissible under the law and as granted by the learned Single Judge shall follow. The deficiency, if any, in Court fee, shall be made good by the appellants within one month from today. No costs.