
(2004) 08 P&H CK 0192

In the Punjab And Haryana At Chandigarh

Case No : Letters Patent Appeal No. 128 of 1993

Joginder Kaur and others

APPELLANT

Vs

State of Haryana and another

RESPONDENT

Date of Decision : 30-08-2004

Acts Referred:

Citation : (2005) 2 LJR 820 : (2005) 1 RCR(Civil) 109

Hon'ble Judges : G.S.Singhvi, J and Virender Singh, J

Advocate : Shri Narinder Lucky, Advocate for Shri G.S. Nagra, Advocate. Shri Jaswant Singh, Senior Deputy Advocate General, Haryana., Advocates for appearing Parties

Judgement

G.S. Singhvi, J.—Feeling dissatisfied with the enhancement of compensation granted by the learned Single Judge in Regular First Appeal No. 534 of 1988, the appellants filed this appeal under Clause X of the Letters Patent for further enhancement with consequential benefits.

2. A perusal of the record shows that vide notification dated 11.3.1981 issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the Government of Haryana acquired 53.05 acres of land situated in village Pipli for a public purpose, namely, to develop residential and commercial areas of Sector 7, Urban Estate, Kurukshetra. By an award dated 12.9.1986, the Land Acquisition Collector classified the land in three categories i.e. Chahi, Gairmumkin and Gairmumkin Rasta and tubewells and awarded compensation at the rate of Rs. 65,340/ per acre, Rs. 45,920/ per acre and Rs. 13,760/ per acre for the three categories, respectively. He also granted the benefit of amended provisions contained in Sections 23(1A), 23(2) and 28 of the Act to the appellants.

3. The reference application filed by the appellants was disposed of by Additional District Judge, Kurukshetra vide award dated 12.2.1988. He assessed the market value of the land at the rate of Rs. 65340/ per acre and also awarded solatium at the rate of 30% per annum and interest at the rate of 12% per annum from 11.3.1981 to 12.9.1986, interest at the rate of 9% per annum on the enhanced

amount of compensation from 12.9.1986 to 11.9.1987 and, thereafter, at the rate of 12% till the date of payment in the Court.

4. The appellants challenged the award of the Additional District Judge by filing an appeal under Section 54 of the Act which was registered as Regular First Appeal No. 534 of 1988. They claimed compensation at the rate of Rs. 3,50,000/ per acre with consequential benefits.

5. The learned Single Judge disposed of the appeal in terms of judgment dated 1.10.1992 rendered in R.F.A. No. 2756 of 1988, which was decided in terms of the judgment of R.F.A. No. 684 of 1988.

6. When this appeal was listed for motion hearing on 19.4.1993, the Division Bench passed the following order :

"Same order as in LPA No. 129 of 1993".

7. In that appeal, the Division Bench had taken note of the statement made by the learned counsel for the appellants that L.P.A. No. 681 of 1991 Arjan Singh (deceased) through LRs v. State of Haryana, 2004(4) RCR(Civil) 566 (P&H) filed by the claimants against the judgment in R.F.A. No. 2756 of 1988 is pending and ordered that this appeal be connected with L.P.A. No. 681 of 1991.

8. By a separate judgment of today, we have partly allowed L.P.A. No. 681 of 1991 and held that the landowners are entitled to enhanced compensation at the rate of Rs. 37/ per square yard, equivalent to Rs. 1,70,080/ per acre along with the benefits of amended Sections 23(1A), 23(2) and 28 of the Act in respect of the enhanced compensation.

9. Learned counsel for the parties are in agreement that this appeal may be disposed of in terms of the judgment of L.P.A. No. 681 of 1991.

10. In view of the above, the appeal is partly allowed. The respondent is directed to pay compensation to the appellants at the rate of Rs. 37/ per square yard (equal to Rs. 1,70,080/ per acre). They shall be entitled to statutory benefits in terms of amended Sections 23(1A), 23(2) and 28 of the Act in relation to the enhanced compensation. The enhanced compensation along with other benefits be paid to them within a period of four months from the date of submission/ receipt of certified copy of this judgment. The parties are left to bear their own costs.

The detailed reasons recorded in L.P.A. No. 681 of 1991 shall be read as part of this judgment.