
(2003) 09 P&H CK 0090

In the Punjab And Haryana At Chandigarh

Case No : Regular First Appeal No. 2723 of 1986

Krishan Lal and others

APPELLANT

Vs

State of Haryana and another

RESPONDENT

Date of Decision : 10-09-2003

Acts Referred:

Citation : (2004) 1 RCR(Civil) 385

Hon'ble Judges : Ashutosh Mohunta, J

Advocate : Mr. S.P. Gupta, Sr. Advocate with Mr. N.K. Sharma, Advocate. Mr. Rajneesh Dhanda, AAG, Haryana., Advocates for appearing Parties

Judgement

Ashutosh Mohunta, J.—This judgment shall dispose of R.F.A. Nos. 2723 and 2724 of 1986 as common question of law and facts arises in both the cases.

2. The claimants have preferred the present appeal against the judgment of the Additional District Judge, Karnal, dated 12.8.1986 whereby compensation at the rate of Rs. 33/ per sq. yard for the acquired land was awarded. The appellants have claimed that they are entitled to compensation at the rate of Rs. 40/ per sq. yard.

3. Briefly the facts of the case are that the Haryana Government vide gazette notification dated 4.6.1980 published on the same day in the official gazette under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred as 'the Act') intended to acquire land of the appellants for public purposes, namely for the development and utilisation of land as residential and commercial area in the Urban Estate to be set up in the area of village Karnal Hadbast No. 1 District Karnal. Notification under Section 6 of the Act was published on 16.4.1981. The total land acquired was 24709 acres. The Land Acquisition Collector vide his award dated 6.7.1981 determined the value of the land as follows :

Type of land

Rate per acre

i)

Chahi and Nehri

Rs. 28512.60

ii)

Barani

Rs. 22080/

iii)

Banzar Qaddim

Rs. 4808/

iv)

Gair Mumkin/Khadan

Rs. 13440/

4. Dissatisfied with the award of the Land Acquisition Collector the claimants file separate reference petitions under Section 18 of the Act claiming the market value of their acquired land at the rate of Rs. 200/ per square yard. The learned Additional District Judge after taking into consideration all the relevant evidence produced by both the sides awarded compensation at the rate of Rs. 33/ per square yard.

5. The short question in the present case is What was the market value of the land in question at the time of issuance of the notification under Section 4 of the Act?

6. A perusal of the award of the Additional District Judge, Karnal, shows that he awarded compensation on the basis of another award Ex. P1 dated 17.1.1985. A perusal of it shows that the land of Dalel Singh, Molar etc. Smt. Manbhari and others was acquired for Sector 6, Karnal, through the same notification dated 4.6.1980 wherein the claimants were awarded Rs. 33/ per square yard.

7. Apart from the above, in R.F.A. No. 876 of 1983 (State of Haryana v. Sh. Wishan Singh) also compensation at the rate of Rs. 33/ per square yard has been determined by Hon"ble Mr. Justice I.S. Tiwana vide his judgment dated November 28, 1984. In this case also notification under Section 4 of the Land Acquisition Act was issued on 4.6.1980 relating to Sector 6, Karnal. Thus, the learned Additional District Judge, Karnal by relying on award Ex.P1 has rightly awarded compensation at the rate of Rs. 33/ per square yard. As there is already a judicial pronouncement with regard to similarly situated land, therefore, the determination of compensation on the basis of the earlier award was absolutely correct. I find no infirmity in the judgment of the Additional District Judge, Karnal, dated 12.8.1986 wherein he has relied upon an absolutely identical

award pertaining to the same acquisition for determining the compensation.

In view of the above, both the appeals are dismissed.

Appeals dismissed.