
(1984) 03 P&H CK 0099

In the Punjab And Haryana At Chandigarh

Case No : Regular First Appeal No. 17 of 1976

Land Acquisition Collector, Punjab State Electricity Board,
Patiala

APPELLANT

Vs

Aditya Kumar and Others

RESPONDENT

Date of Decision : 22-03-1984

Acts Referred:

Land Acquisition Act, 1894 — Section 4

Citation : (1984) 03 P&H CK 0099

Hon'ble Judges : J.V. Gupta, J

Bench : Single Bench

Advocate : K.P. Bhandari, with Mr. Ravi Kapur, for the Appellant; H.L. Sarin with Mr. Sukhdev Singh, for the Respondent

Final Decision : Dismissed

Judgement

J.V. Gupta, J.—This appeal has been filed by the Land Acquisition Collector, Punjab State Electricity Board, against the award of the Additional District Judge, Ropar, dated October 3, 1975, whereby the amount of compensation awarded by the Collector was enhanced from Rs. 400/- per biswa to Rs. 1100/- per biswa.

2. Notification u/s 4 of the Land Acquisition Act, (hereinafter called the Act), was issued on July 23, 1970. The land measuring 5 bighas 12 biswas belonging to the claimants was acquired thereunder. The Collector gave the award and valued the land at the rate of Rs. 400/- per biswa. Dissatisfied with the same, the claimants sought reference u/s 18 of the Act. The learned Additional District Judge framed the following issues:

1. What was the market value of the land acquired on the date of publication of the notification u/s 4 of the Land Acquisition Act ?

2. Relief.

Apart from the other evidence produced by the claimants, they also produced

one sale deed, Exhibit A-1, wherein land measuring 3 biswas was sold for Rs. 3,000/-. Ajudhia Parshad, A.W. 2, proved the said sale deed and stated that his wife Pushpa had purchased 3 biswas of land from Raj Kishan vide said sale deed. The land thus sold was out of khasra No. 4434/1, which is one of the khasra Nos. acquired in this case. It is not disputed and has been found as a fact that since the land acquired abutted on the Chandigarh-Kharar Road, it had immense potentialities. On that basis, the learned Additional District Judge assessed the market value of the land acquired at the rate of Rs. 1100/- per biswa, and consequently, found that the claimants were entitled to the compensation on that basis plus solatium and Interest. Dissatisfied with the same, the Appellant has filed this appeal in this Court.

3. The only argument raised on behalf of the Appellant is that the land purchased vide sale deed. Exhibit A-1, measured 3 biswas only and, therefore, the same could not be taken to be the basis for enhancing the amount of compensation in favour of the claimants-respondents.

4. After hearing the Learned Counsel for the parties and going through the relevant evidence on the record, I do not find any merit in this appeal.

5. It was held in the State of Punjab v. Smt. Lila Wati (1981) 83 P.L.R. 138, that a claimant is entitled to the market value of the land acquired by the Government on the basis of the sale deeds fetching the highest value, prevailing in the market, at the relevant time. Admittedly, three biswas of land was purchased vide sale deed. Exhibit A-1, out of khasra No. 4434/1, which is one of the khasra Nos. acquired in the present case. That sale was made three months prior to the issuance of the notification u/s 4 of the Act on July 23, 1980. There being no evidence on the record to the contrary, I do not find any infirmity in the order of the learned Additional District Judge, determining the value of the land acquired in this case on the basis of the value of the land sold vide sale deed, Ex A-1.

Consequently this appeal fails and is dismissed with costs.