
(1997) 08 P&H CK 0023

In the Punjab And Haryana At Chandigarh

Case No : Letters Patent Appeal No. 1521 of 1989

Narinder Nath Sharma

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 28-08-1997

Acts Referred:

Land Acquisition Act, 1898 — Section 23

Citation : (1998) 118 PLR 292 : (1997) 4 RCR(Civil) 334

Hon'ble Judges : N.K. Kapoor, J;K.K. Srivastava, J

Bench : Division Bench

Advocate : Arun Jain, for the Appellant; J.R. Mittal and B.D. Sharma, for the Respondent

Final Decision : Dismissed

Judgement

N.K. Kapoor, J.—This appeal is against the judgment of the learned Single Judge dated 2.2.1989 enhancing the amount compensation payable to Rs. 10,000/- per acre, as originally claimed by the appellants alongwith other statutory benefits in terms of Land Acquisition Act (hereinafter referred to as "the Act")

2. Punjab Government issued a notification u/s 4 of the Act for acquiring land for execution of soil conservation and other improvement works in Sukhna Choc and for the purpose of raising a green belt around Chandigarh. Appellants' land measuring 2.5 acres was also acquired vide aforesaid notification. Land Acquisition Collector vide his award dated 30.3.1964 fixed the market value of the acquired land at Rs. 50/- per acre. On a reference u/s 18 of the Act, District Judge vide award dated 18.11.1985 evaluated the acquired land at the rate of Rs. 700/ per acre. Still dissatisfied with the quantum of compensation the present appellants-the claimants preferred an appeal before this Court. The learned Single Judge on re-evaluating the evidence adduced came to the conclusion that the amount awarded by the District Judge indeed deserves to be enhanced. However, the learned Single Judge found that the appellants in their application u/s 18 seeking reference to the Court sought compensation at the

rate of Rs. 10,000/- per acre. Resultantly, the learned Single Judge awarded the compensation to the appellants the claimants at the rate of Rs. 10,000/- per acre (as claimed by them). Besides it, other benefits under the Act, i.e. amended provisions of Sections 23(1-A) 23(2) and 28 of the Act were also granted. Appeal was, thus, allowed with proportionate costs.

3. Challenging the judgment of the learned Single Judge counsel for the appellants has argued that the Court having come to the conclusion the market value of the land on the date of notification to be Rs. 1,60,000/- per acre, yet for no valid reason permitted the increase only upto the amount claimed by the appellants in their reference application. Since there was sufficient material evidence on record to hold that the value of the acquired land is Rs. 1,60,000/- per acre, the Court ought to have allowed the claim of the appellants ignoring the amount claimed by them in their application u/s 18 of the Act.

4. Having heard the learned Counsel for a while, we are of the view that the appeal being devoid of merit deserves to be dismissed. Land Acquisition Collector determined the market value of the acquired land at the rate of Rs. 50/- per acre. Claimants-the appellants filed an application u/s 18 of the Act for a reference to the Court making grievance therein that insufficient compensation amount has been awarded. Claimants on their own evaluated the compensation payable to them at Rs. 10,000/- per acre. District Judge, however, vide award dated 18.11.1985 determined the value of the acquired land at Rs. 700/- per acre. u/s 18 of the Act a person who has not accepted the award has been given a right to File a written application to the Collector asking him to refer the matter to the Court for determining his objections regarding measurement of land, amount of compensation, to whom this compensation is payable or the apportionment of the compensation amongst persons interested. Thus, this section envisages the precise objections, which are to be determined by the Court. Since in the present case the appellants had claimed a compensation at the rate of Rs. 10,000/- per acre, the learned Single Judge rightly confined the relief to the extent claimed. We find no infirmity in the order passed by the learned Single Judge. Appeal being devoid of merit is consequently dismissed.