
(2000) 05 P&H CK 0155

In the Punjab And Haryana At Chandigarh

Case No : Regular First Appeal No. 931 of 1983

Romesh Chander

APPELLANT

Vs

The Land Acquisition Collector and Another

RESPONDENT

Date of Decision : 26-05-2000

Acts Referred:

Land Acquisition Act, 1894 — Section 23

Citation : (2000) 126 PLR 360

Hon'ble Judges : J.S. Narang, J

Bench : Single Bench

Advocate : Parminder Singh, for the Appellant; J.S. Brar, DAG, for the Respondent

Final Decision : Dismissed

Judgement

J.S. Narang, J.—This is an appeal against the award dated 25.11.1982 given by the Additional District Judge, Patiala. The brief facts are that the State of Punjab acquired some land for construction of Sirhind Bye-pass and in this regard a piece of land was acquired along the G.T. Road upto Sirhind Railway Crossing. Thus a small portion of land upon which the poultry farm had been constructed by the appellant also fell within the ambit of said acquisition. The Land Acquisition Collector announced the award on July 7, 1980 and a compensation for the poultry farm was assessed at Rs. 14339.41. The claimant was not satisfied with the amount and in this regard the reference was made by putting a claim with regard to the poultry farm to the extent of Rs. 40000/-. He further claimed that on account of acquisition of the land under the poultry farm, he had lost his profession and is therefore, entitled for damages on that account.

2. On the pleadings of the parties, two issues had been framed which read as under:-

i) What was market value of the poultry farm building at the time of its acquisition ?OPA

ii) Whether the claimant was compelled to change his business on account of the acquisition of the poultry farm and he has suffered any loss. If so, how much ?
OPA

3. In support of the claim the appellant had produced some witnesses and also have brought on record a site plan showing the construction of the poultry farm. In rebuttal, the respondents had also produced the site plan X.R/1 and also an estimate made in respect thereof by the Executive Engineer Exhibited as Ex.R/2. It is not disputed that the poultry farm did exist but the appellant has not been able to demolish the correctness of the site plan prepared at the time of the acquisition. It is also admitted fact that the construction was made by using the mortar which was nothing else but the mud. The appellant has not been able to produce any substantial evidence in support of his claim of Rs. 40000/- as the market value. The lower Appellate Court came to the correct conclusion while upholding the assessment made by the Land Acquisition Collector.

4. The appellant has not been able to substantiate any claim in respect of loss of business as no details have been submitted in the application but subsequently in the replication, the claim has been quantified to the extent of Rs. 1,25,000/-. It is obvious that the same is nothing but an after thought and even now it is devoid of any supportive evidence to arrive at any such kind of conclusion. Even the number of birds also varies as per the statement of witnesses produced by the appellant and so far as the earning is, concerned, the same also has not been substantiated by any cogent piece of evidence. It is not the case of the appellant that he was not able to take out the birds from the poultry farm.

5. Under these circumstances, I find no ground to interfere in the judgment rendered by the lower Appellate Court. Dismissed.