
(2010) 11 P&H CK 0665

In the Punjab And Haryana At Chandigarh

Case No : Regular First Appeal No. 5221 of 2010 (O and M)

State of Haryana and Another

APPELLANT

Vs

Dharam Chand

RESPONDENT

Date of Decision : 15-11-2010

Acts Referred:

Land Acquisition Act, 1894 — Section 18, 4

Citation : (2010) 11 P&H CK 0665

Hon'ble Judges : Rajesh Bindal, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rajesh Bindal, J.—The State of Haryana has approached this Court through the present appeal seeking reduction in the amount of compensation awarded by the learned court below for the superstructure existing on the acquired land.

2. Briefly, the facts are that vide notification dated 7.6.2004, issued u/s 4 of the Land Acquisition Act, 1894 (for short, "the Act"), the State of Haryana acquired land along with superstructures existing thereon, situated in village Mallekan, Tehsil and District Sirsa, for public purpose. The Land Acquisition Collector vide award dated 31.8.2005 assessed the market value of the tubewell at Rs. 32,458/- and Rs. 2,15,000/- for dhani/kotha. Dissatisfied with the award of the Collector, the claimant filed objections. On reference u/s 18 of the Act, the learned court below vide award dated 2.2.2010, determined the market value of the tubewell at Rs. 50,000/- and Rs. 3,22,000/- for dhani/kotha. The increase granted by the learned court below is under challenge in the present appeal. Along with the appeal, applications for condonation of delay in refiling and filing of appeal have also been filed.

3. A perusal of the award of the court below shows that while determining the market value of the tubewell existing on the acquired land, the court below had considered the evidence led by both the parties. The evidence led by the State

did not inspire confidence. The learned State counsel could not point out any evidence on record which the court below misread while determining the compensation for the acquired superstructures. It is always that some rough estimate is made by applying a thumb rule and assessment in such type of cases cannot be made with mathematical exactitude. The claimants always make exorbitant claims for the superstructures, whereas the State functionaries estimate the value thereof at its lowest price. In the present appeal, the court below has granted compensation for the super structure by applying thumb rule, which cannot be said to be on higher side considering the prices of raw material now a days.

4. Keeping in view the aforesaid facts, the compensation assessed by the court below for the superstructures cannot be said on higher side. Accordingly, the appeal is dismissed. Consequently, the applications for condonation of delay in refiling /filing the appeal are also dismissed.