
(2013) 07 P&H CK 0768

In the Punjab And Haryana At Chandigarh

Case No : Regular First Appeal No. 3759 of 2013 (O and M)

The Land Acquisition Collector and Another
Vs

APPELLANT

Jaswant Kaur

RESPONDENT

Date of Decision : 26-07-2013

Acts Referred:

Land Acquisition Act, 1894 — Section 4, 6

Citation : (2013) 07 P&H CK 0768

Hon'ble Judges : Rajesh Bindal, J

Bench : Single Bench

Advocate : L.C. Aggarwal, Assistant A.G., Punjab, for the Appellant;

Final Decision : Dismissed

Judgement

Rajesh Bindal, J.—This order will dispose of R.F.A. Nos. 3759 to 3762 of 2013, as common questions of law and facts are involved. Challenge in the present set of appeals is to the award of the court below, whereby on account of acquisition of land, the compensation payable to the landowners was enhanced. The State is in appeal.

2. Briefly, the facts of the case are that vide notification dated 27.1.2003, issued u/s 4 of the Land Acquisition Act, 1894 (for short, "the Act"), the State of Punjab acquired 80 kanals and 17 marlas of land, situated in village Udhawal Khurd, Hadbast No. 42, Tehsil Samrala, District Ludhiana for construction of bridge over Sutlej River on Samrala Machhiwara-Rahon Road. The same was followed by notification dated 21.8.2003, issued u/s 6 of the Act. The Land Acquisition Collector (for short, "the Collector") determined the market value of the acquired land @ Rs. 2,11,000/- per acre. Dissatisfied with the award of the Collector, the landowners filed objections, which were referred to the learned court. The learned reference court determined the market value of the acquired land @ Rs. 4,05,000/- per acre. It is this award which is impugned by the State before this court.

3. Learned counsel for the appellants submitted that the land in question is Bet Chahi. It was within the bandh. The land in question was not cultivable, hence, the award of compensation @ Rs. 4,05,000/- per acre equal to the amount of compensation awarded to the landowners, whose land though was acquired for the same purpose but was of better quality, is not justifiable. The land pertaining to village Saidpur, which was also acquired for the same purpose, was in fact located outside the bandh.

4. After hearing learned counsel for the appellants, I do not find any merit in the submissions made. It is not in dispute that the land of the landowner pertaining to revenue estate of village Udhowal Khurd and that of Saidpur was acquired at the same time for the same purpose. The Land Acquisition Collector assessed the compensation for the acquired land in the present appeal @ Rs. 2,11,000/- per acre, whereas for the land pertaining to village Saidpur, the compensation was assessed @ Rs. 4,05,000/- per acre. The court below granted compensation of Rs. 4,05,000/- per acre even to the landowners pertaining to the land of village Udhowal Khurd.

5. The contention raised by learned counsel for the appellants that the land in question was not cultivable has been dealt with in detail in paragraph 21 of the impugned award, referring to the evidence led by the State itself. The relevant part thereof is extracted below:

21. However, during the course of cross-examination, DW 1 Kuldip Chand conceded that the rate of compensation was recommended from Rs. 2.50 lacs to Rs. 3 lacs per acre, by the Member Parliament concerned in the meetings of District Level Price Fixation Committee. He also conceded that he was having no personal knowledge regarding the matter in controversy and he never visited the land in dispute. It was admitted by him in the document Ex. D2 that the quality of the land in dispute measuring 34K 18 M is not mentioned. He did not mince a word in conceding that in the jamabandi Ex. A8 of the disputed property the quality of the land in dispute is described as Bet Chahi and source of irrigation of the land was tubewell. He also admitted in no uncertain terms that as per khasra girdawari Ex. A6, two crop of paddy and wheat were being sown in the said land.

6. Nothing has been referred to rebut the aforesaid findings.

7. Considering the fact that the revenue record produced by the landowner establishes that two crops of paddy and wheat were being sown on the land in dispute, it cannot be termed to be uncultivable. If that is so, no illegality has been committed by the court below in granting same amount of compensation to the landowner in the present case, as has been granted for the land pertaining to village Saidpur, which was also acquired at the same time for the same purpose. For the reasons mentioned above, the appeals are dismissed.