

(1996) 03 P&H CK 0097

In the Punjab And Haryana At Chandigarh

Case No : Regular First Appeal No. 648 of 1989

The State of Punjab

APPELLANT

Vs

Jaswant Singh and Others

RESPONDENT

Date of Decision : 12-03-1996

Acts Referred:

Evidence Act, 1872 — Section 51A

Land Acquisition Act, 1894 — Section 23

Citation : (1996) 114 PLR 90

Hon'ble Judges : H.S. Brar, J

Bench : Single Bench

Advocate : M.L. Sarin, A.G. and Hemani Sarin, for the Appellant; D.P. Goyal and K.K. Duggal, for the Respondent

Judgement

Harphul Singh Brar, J.—The State of Punjab vide notification published on 2.5.1980 u/s 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the Act), acquired 40 acres 5 kanals 5 marlas of land in Villages Neelpur and Saidkheri at public expense and for a public purpose, i.e. for establishment of grain market (Anaj Mandi). The declaration u/s 6 of the Act was published on 29.6.1982. (The District Judge in his award has wrongly mentioned the area of land acquired as 40 kanals 5 marlas).

2. The Land Acquisition Collector vide his award dated 17.8.1984, assessed the market value of the land as under:-

Village Neelpur 1. Upto 100 metre width along Rs. 60,000/- per acre the Rajpura-Patiala Road for all kind of land except Gair Mumkin Khade. 2. For the remaining land. Chahi Rs. 40,000/- per acre Barani Rs. 25,000/- per acre Village Said Kheri Chahi Rs. 35,000/- per acre. Barani Rs. 20,000/- per acre. (Gair Mumkin Rs. 15,000/- per acre). Feeling dissatisfied with the award of the Collector dated 17.8.1984, the lan owner claimants sought reference u/s 18 of the Act. On the contest of the parties, the following issues were framed after clubbing the references:-

1. What was the market value of the acquired land on the date notification u/s 4 of the Land Acquisition Act was published? O.P. Parties.
2. Whether the claimants are entitled to compensation on account of tube-wells bore? If so, to what amount? O.P. Claimants.
3. Relief.

On the basis of the evidence led by the parties, the District Judge, Patiala vide his award dated 29.7.1988, enhanced the market price of the land as under :-

Village Neelpur

Rs. 1,70,000/- per acre in respect of the land abutting on Rajpura-Patiala road to a depth of 100 metres for all kinds of land. In respect of the remaining land, compensation was allowed at the rate of 1,00,000/- per acre for Chahi and Rs. 60,000/-per acre for the remaining land of every kind.

Village Said Kheri

Rs. 1,00,000/- per acre for Chahi land and Rs. 60,000/- per acre for the remaining land of every kind.

3. In Chhaju Singh's appeal (RFA No. 1788/88), the appellants were allowed a sum of Rs. 20,000/- towards compensation with regard to the existing super-structures. In case of Suresh Kumar (RFA No. 1837/88), Rs. 5,000/- were allowed as compensation towards super-structures. In case of Bant Singh L.R. of Amar Singh (RFA No. 1789/88), a sum of Rs. 8,000/- was allowed as compensation towards super-structures.

4. Against the aforesaid award of the District Judge, Patiala, the State of Punjab has filed R.F.A. Nos. 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648 and 660 of 1989 for restoration of the award of the Collector whereas the claimant-landowners have filed R.F.A. Nos. 1788, 1789, 1835, 1836, 1837, 1838, 1875, 1876, 1877, 1910, 1911 of 1988 and R.F.A. No. 69 of 1989 to claim further enhancement. Since all these appeals arise out of the same acquisition proceedings and common award of the District Judge, Patiala, they are being disposed of by a common judgment.

5. The District Judge, Patiala determined the market price of the land as stated in para-4 above relying upon the sale instances Exhibits P.12, P.27 produced by the claimants. He took the average price of these two sale instances which, according to him, was Rs. 2,53,714/- and after applying a out of 33% the market price was finally determined at Rs. 1,70,000/- per acre so far as the land abutted on Rajpura-Patiala road upto a depth and width of 100 metres along with road for all kinds of land. Taking these sale instances as the basis, he determined the market price of the land at the rate of Rs. 1,00,000/- per acre for Chahi land and at the rate of Rs. 60,000/-per acre for the rest of the land.

6. As the land acquired from Village Said Kheri did not abut Rajpura-Patiala road,

the market price of the land of the said village was determined at the rate of Rs. 1,00,000/- per acre for Chahi and Rs. 60,000/- per acre for the remaining land of all kinds.

7. Learned counsel for the claimant-appellants have argued that the compensation awarded by the District Judge is on a very lower side. The learned District Judge, according to them, should have taken the mean of the three sale instances Exhibits P.12, P.27 and P.37 produced by the claimants and thereafter determined the market price of the land which could come to about Rs. 2,00,000/- per acre. The learned counsel further submitted that the same market price for all kinds of land should have been awarded as whole of the land acquired has got the same potential for being used as grain market and it is encircled by road from three sides. For the same reason, the learned counsel argued that resort to belting system in the case in hand is arbitrary and should be done away with. To fortify their argument, they have relied upon State of Punjab v. Pritam Singh and Ors. (1976) P.L.R. 397 Balbir Singh v. State of Haryana 1983 P.L.J. 86, State of Punjab v. Pohnu and Anr. 1985 P.L.J. 583, Amar Lal and Ors. v. State of Haryana through Land Acquisition Collector, Kurukshetra 1990 L.A.C.C. 447, Gulzara Singh and Ors. v. State of Punjab and Ors. 1993 L.A.C.C. 612 and Smt. Vidya Suri and Ors. v. State of Punjab and Ors. 1994 L.A.C.C. 73.

8. Shri M.L. Sarin, learned Advocate General, Punjab appearing for the State of Punjab while controverting the contention of the counsel for the claimant-appellants has vehemently argued that the sale instances comprised in Exhibits P.12, P.27 and P.37 should not have been relied upon at all by the learned District Judge for determining the market price of the land; firstly, that the documents comprised in Exhibits P.12, P.27, and P.37 are not original sale deeds and by their being merely marked as exhibits would not amount to proof of the sale consideration passed and the circumstances under which the sale deeds came to be executed; secondly, according to the learned Advocate General, the sale of land comprised in Exhibits P.27 and P.37 are of very small pieces of land, i.e. of about 150 years or so. Classification of land as Chahi and Barani etc. and the belting system adopted by the learned District Judge is justified according to the learned Advocate General. The learned Advocate General has cited the following judgments from which he derives the support for his above said submissions:

Kumari Veeraiah and 18 Ors. v. State of Andhra Pradesh, 1995(1) Rent Law Reporter 606; Punjab State and Ors. v. Hans Raj by LRs Sohan Singh and Ors. 1995 L.A.C.C. 25; The Collector of Lakhimpur Vs. Bhuban Chandra Dutta, ; Municipal Committee, Bhatinda and Others Vs. Balwant Singh and Others, ; Tarlochan Singh and Anr. v. The State of Punjab and Ors.. (1995) 110 P.L.R. 100 and Prithvi Raj Taneja (Dead) by Lrs. Vs. The State of Madhya Pradesh and Another, .

9. Let me now determine as to what was the market price of the land on 2.5.1980, i.e. at the time of the publication of notification u/s 4 of the Act. All the

sale instances produced by the claimant-appellants including the sales comprised in Exhibits P.12, P.27 and P.37 which are now relied upon by their learned counsel for determining the market price of the land cannot be taken into consideration as they are only the certified copies of the sale deeds. Neither the original sale deeds have been produced nor the vendors or vendees of the respective sales have been examined as witnesses to testify the consideration paid and about their specific knowledge and the circumstances in which the sale deeds came to be executed. The consideration paid, the circumstances in which the sale deeds came to be executed and their nearness to the land acquired are some of the factors which could be relied upon to determine the market value of the acquired land. The certified copies of the sale deeds cannot be relied upon for determining the market price of the land in view of the authoritative pronouncement of the apex Court in Kumari Veeraiah's case (supra). It has been ruled by the Supreme Court in the said case that the certified copies of the sale deeds are admissible in evidence as secondary evidence u/s 51-A of the Act since the owners would be reluctant to part with their original sale deeds. The sale deeds cannot be relied upon to determine the market value of the acquired land unless either the vendor or the vendee has been examined as witness to testify not only the consideration paid but also their specific knowledge and the circumstances in which the sale deed came to be executed and about their nearness to the land acquired. True nature and situation of the respective lands according to the apex Court are relevant and germane as comparable instances for determination of the compensation and are required to be brought on record through admissible evidence and tested on the anvil of common experience. The relevant portion of the judgment of the Supreme Court in Kumari Veeraiyah's case (supra) is, reproduced below for ready reference :-

"It is true that the certified copies of the sale deeds are admissible in evidence as secondary evidence u/s 51-A of the Act, since owners would be reluctant to part with their original sale deeds. But unless either the vendor or the vendee has been examined as witness to testify not only the consideration paid but also their specific knowledge and the circumstances in which the sale deed came to be executed nearness to the lands etc., the sale deeds cannot be relied on to determine market value of the acquired lands. The true nature and situation of the respective lands are relevant and germane as comparable sales for determination of the compensation and are required to be brought on record through admissible evidence and tested on the anvil of common experience. Therefore, by mere marking the documents exhibits A-3, A-4, A-8 and A-10 by themselves do not amount to proof of the aforementioned factors. The High Court rightly held that the documents cannot be relied upon."

10. The claimant-appellants have also relied upon judgment Ex.P.42 delivered by the Additional District Judge, Patiala dated 31.8.1985 in Land Reference "Surja Ram and Anr. v. State of Punjab and Anr." arising out of the award in connection with the acquisition of land in Rajpura for the construction of S.Y.L. Colony at Rajpura. The sale instance comprised in this award cannot be taken as a comparable

instance to evaluate the market price of the land in question as the land comprised in this award is far away from the land acquired as is discernible from the map Ex.P.1. Even the claimant-land-owners did not come in the witness-box to say a word as to how much is the distance between the land acquired and the land comprised in the judgment Ex.P.42. Until and unless some evidence is produced to show that the land comprised in the judgment Ex.P.42 is comparable atleast to some extent with the land acquired in this case, the instance cannot be taken into consideration for determining the market price of the land in question. Even the State of Punjab has not produced any sale deed or any other relevant evidence which could depict the correct market price of the land.

11. Thus the authorities cited by the learned counsel on both the sides pointing out that market price has to be assessed according to the market price fetched in cases of comparable sale instances or the average price of various sale instances relied upon by the parties be made the basis of the market price, are of no help in this peculiar situation when no comparable instance is available to arrive at the correct market price of the land.

12. There could be an argument on the side of the counsel for the claimant-appellants that though the sale deeds Exhibits P. 12, P.27 and P.37 cannot be taken into consideration being only the certified copies thereof, but on a broad conspectus, it could be taken that they provide a workable basis inasmuch as they indicated the price of the land at the time of acquisition.

13. Let us take up these instances one by one. So far as the sale instance comprised in Ex.P.12 is concerned, neither the vendor nor the vendee nor any other witness has been examined to testify the consideration paid, their specific knowledge and the circumstances in which the sale deed came to be executed and about their nearness to the land acquired. It is borne out from the order of the Collector that the sale of 1 bigha 10 biswas of land comprised in Ex.P.12 for Rs. 30,000/- was not a genuine sale and it was effected only on 13.2.1980, i.e. just about 2-1/2 months before the publication of the notification, u/s 4 on 2.5.1980 for acquisition of the land in question; and when probably, everybody knew that the land is being acquired by the State Government and some steps had already been taken by the revenue staff for acquisition of the land. I get this impression from what has been stated in the order of the Land Acquisition Collector itself. The relevant portion of the order of the Land Acquisition Collector reads as under:-

"It is mentioned that as per spot enquiries, the sale of 1 bigha 10 biswas land for Rs. 30,000/- is not a genuine sale. When this area had been selected by a Board of Senior officers and the papers for draft notification were being prepared by the revenue staff, the owner of land transferred this piece of land showing its sale for Rs. 30,000/- to his relative just to get higher rate of land from the Govt. Otherwise there is not a single transaction of this vicinity on such a high rate. Under these circumstances this fictitious sale cannot be made base for the determination of market rate of land under acquisition."

14. I do not find any evidence on the file nor it has been brought to my notice by the counsel for the claimant-appellants thereby rebutting this assertion about the non-genuineness of the sale made by the Collector in his award dated 17.8.1984.

15. The other sale considerations, comprised in Exhibits P-27 and P-37 could not be looked into as has been discussed above in view of the judgment of the Supreme Court in Kumari Veeraiah's case (supra). Even if the sales were proved in accordance with law, those cannot be taken as comparable sale instances for determination of the market value of the land as these sale transactions were comprised of very small pieces of land which cannot form the basis for determination of the market value of the land when a large chunk of land i.e. 40 acres 5 Kanals 5 marlas has been acquired in view of the authoritative pronouncement of the Supreme Court, in The Collector of Lakhimpur Vs. Bhuban Chandra Dutta, , Prithvi Raj Taneja (Dead) by Lrs. Vs. The State of Madhya Pradesh and Another, and Tarlochan Singh and Anr. v. The State of Punjab and Ors. (1995) 110 P.L.R. 100.

16. In The Collector of Lakhimpur's case (supra), it has been held that in determining the compensation, the value fetched for small plots of land cannot be applied to lands covering a very large extent.

17. In Prithvi Raj Taneja's case (supra), it has been laid down that the price paid for small plots of land cannot provide a safeguard or criterion for determining the compensation for a large area.

18. In Tarlochan Singh's case (supra), the apex Court ruled that when land of large magnitude is acquired, sale transaction of small pieces of land under the circumstances are absolutely and totally irrelevant and cannot form the basis for determining compensation.

19. In these circumstances, I am not left with any comparable sale instance which could be relied upon for determining the market price of the land except to import the rule of thumb. It has been held by a Division Bench of this Court in Hukam Chand v. State of Haryana 1989 L.A.C.C. 357, that when no comparable sale instance is available to determine as accurately as possible the market value of the acquired land, then the import of rule of thumb is the only possibility to arrive at a rate which is as just and fair as far as possible.

20. Now comes the question as to whether for the purpose of determining the market value of the land, flat rate should be given for all types of land or they be classified as nheri, barani etc. and different rates may be given for different kinds of land. The Collector as well as the District Judge have classified the acquired land as chahi, barani, gair mumkin etc. and have awarded different rates for different kinds of land. On this classification of land and for further awarding different rates for different kinds of lands I am not agreeable either with the Collector or with the District Judge particularly when the whole of the land has been acquired for the purpose of grain market (Anaj Mandi) and it has got potential for being used for commercial and residential purposes. This is what is

clear from the judgment of the learned District Judge itself. The relevant portion of the judgment of the learned District Judge is reproduced as under-

"The situation of the acquired land is well depicted in the site plan Ex.P.I produced by the claimants and correctness of which has not been challenged in any manner from the respondents side. It depicts the existence of the roads, the residential colonies, the commercial buildings, rice shellers, godowns, shopping centre, bus-step, railway station, courts and the bazar. The acquired land falls within the revenue limits of two villages, i.e. Neelpur and Said Kheri. The acquired land abuts on the Rajpura-Patiala road and it is towards the East of the road. This land also abuts on Rajpura-Bhoglan road which is on its North. From this road another link road to village Said Kheri Passes through the acquired land. There are more than three godowns, four rice-shelliers, flour-mill, and lime Bhatti existing on the acquired land. It will be noted that vide notification u/s 4 of the Land Acquisition Act, dated 2.5.1980 land measuring 74 acres 6 kanals and 5 marlas in Vill. Neelpur and 9 acres 4 kanals and 10 marlas in village Said Kheri totalling 84 acres 2 kanals and 15 marlas was notified for acquisition whereas land measuring 43 acres 5 kanals and 10 marlas was excluded and only land measuring 40 acres 5 kanals 5 marlas was acquired. The left over land included various built over plots for various purposes including rice-shelliers and godowns etc. Towards the north of the acquired land is the Rajpura Township which has been established by Township Development Board since 1947. It further adjoined the main Rajpura Abadi and shopping centres. It would be noted here that many more rice-shelliers, godowns and colonies are towards Patiala ahead of the acquired land from Rajpura city which brings the acquired land well within abadi of Rajpura city and surrounded by residential and commercial buildings and abutting on the main road. The jamabandi copies of which are Ex. P.44 and Ex. P.45 for the year 1973-74 prove that the shelliers and factories were in existence in the land adjoining the acquired land which has been left over by notification u/s 6 of the Land Acquisition Act. Ex.P-46 and Ex.P-47 copies of jamabandi show that earlier to the notification u/s 4 of the Land Acquisition Act, cold storage existed across the road from the acquired land vis-a-vis the location of the Rice Shelliers and Mills. The statement made by P.W.3 Harmashandev Mehta Junior Engineer of the Municipal Committee proves that the part of the acquired land was already in Municipal limits earlier to the acquisition of the land."

21. It has been held by a Division bench of this Court in *State of Punjab v. Pritam Singh and Ors.* (1976) 78 P.L.R. 397, that when the land under acquisition had potential for industrial development, then to merely assess it as agricultural land would hardly be justified.

22. It has been held by the apex Court in *Gulzar Singh and Ors. v. State of Punjab and Ors.* 1993 L.A.C.C. 612, that fixation of different market value for different belts was not justified when the acquisition of land was for setting up New Mandi Township.

23. Then comes the question as to whether belting system adopted by the

District Judge should remain. After going through the authorities cited by learned counsel on both the sides, I am of the firm opinion that carving out the land into different belts is not to be universally applied in each and every case. It depends upon the facts of each case. It has been held by the apex Court in Gulzar Singh's case (supra) that belting and fixation of different rates of value was not justified. In the case which was being dealt with by the Supreme Court, 89 acres 4 kanals 12 marlas of land in Dhuri village for a public purpose namely, for setting up New Mandi Township was acquired. It was after going through the evidence and looking into the potentiality of the land for being used for building purpose and taking into consideration other relevant factors that their Lordships of the Supreme Court ruled that belting and fixation of different rates of value was not justified. The relevant portion of the judgment is reproduced as under:-

"Thus were have the evidence that the lands are possessed of potential value for being used for building purposes. In fact, the acquisition itself is for construction of Mandi Township. The principle of belting is perfectly legal and unexceptionable as the lands abutting the main road unto a specified depth, depending on factual material on record, would fetch higher market rate than the lands situated in interior area. However, on facts of this case the belting is not warranted for the reason that as seen on three sides there exist roads and abutting the village. As per the plan as found by the High Court there exists a road cutting across the acquired land. Therefore, there is not only access on three sides but also to interior lands. Thus in our view belting and fixation of different rates of value is not justified."

24. The learned Advocate General appearing for the State of Punjab has relied upon Municipal Committee, Bhatinda and Others Vs. Balwant Singh and Others, , to support his assertion that resort to belting system by the District Judge is perfectly correct and legal. After going through the said judgment of the Supreme Court, I find that the same is not applicable to the facts of the case in hand. In the case which was being dealt with by their Lordships of the Supreme Court (Municipal Committee, Bhatinda's case) notification u/s 4(1) was published on April 9, 1976 for acquiring an area of 116 acres of the agricultural lands for the purpose of establishing Water Treatment Plant and other allied public purposes. The Land Acquisition Collector in his award dated March 20, 1979 awarded compensation upto a depth of 100 yards at the rate of Rs. 50,000/- per acre and for the yest of the land he awarded compensation at the rate of Rs. 15,000/- per acre. On reference under S.18 of the Act, the Additional District Judge by his award and decree! dated the August 9, 1982, enhanced the market value to a depth of 50 yard at the rate of Rs.1,50,000/-per acre and 50 to 100 yards at the rate Rs 60,000/- per acre and for the rest at the rate of Rs. 50,000/- per acre. On further appeal, the learned Single Judge while upholding the principle of belting made by the Land Acquisition Collector disagreed with the principle of belting, distinction between 50 yards and 100 yards, and granted market value at the rate of Rs. 1,50,000/- upto a depth of 100 yards and Rs. 65,000/-per acre for the rest of the land. On Letters Patent Appeal, the Division

Bench by its judgment and decree dated the April 11, 1991, granted uniform flat rate of Rs. 1,50,000/- per acre to the entire area. Thus, these appeals by special leave by the Appellant Municipal Committee.

25. The Hon'ble Supreme Court while hearing this appeal of the State of Punjab, set aside the judgment of the High Court and ruled that the Division Bench was not right in awarding compensation at a flat rate to the entire land and the belting system adopted by the Single Judge was justified. Judgment of the Division Bench was set aside plainly on the ground that the sale deeds executed on the same day with reference to the land situated abutting the road and the lands interior to the road did not fetch the same price. That is not the position in the case in hand. In this case, there is no available sale instance which could show lower price fetched by the land towards the interior and higher price fetched by the land abutting the road. Moreover, the acquired land does not abut only one road, it is rather encircled by roads on three roads, as in depicted from the plan Ex.P-1 and even immediately beyond those three roads on three sides of the acquired land, there exist godowns, rice-shellars, cold-storages and residential colonies. Even in the immediate vicinity on the south of the acquired land, I find poultry farm, rice-shellars and private colony in existence. This position regarding the land has even been reflected in the Judgment of the learned District Judge also, the relevant portion of which has been reproduced in para-22 above and in this case, admittedly, the acquired land has got a great potential and has been acquired for the Anaj Mandi itself.

26. In view of the this factual position and in the light of the authoritative pronouncement of the Supreme Court in Gulzar Singh's (supra), resorting to belting system and fixation of different rates of value for the same land which was acquired i for the Anaj Mandi itself was not justified either by the Collector or the learned District Judge.

27. Consequently, the judgment of the learned District Judge vide which he has enhanced the compensation of the acquired land over and above Rs. 60,000/- per acre is set aside. The order of the Collector dated 17.8.1984 and the judgment of the District Judge dated 29.7.1988 where in they have adopted the belting system and have fixed different market value for different belts and different kinds of land are set aside. Rs. 60,000/- per acre shall be awarded for the acquired land uniformly irrespective of the kind and situation of the land. Except this modification, the appeals filed by the State are allowed and the appeals filed by the claimant-land owners are dismissed so far as the enhancement of compensation is concerned.

28. In Chhaju Singh's appeal (RFA No. 1788/88), the appellants were allowed a sum of Rs. 20,000/- towards compensation for the super-structures which included a tubewell, well, motor-room and one constructed room i.e. the structures in order to operate the tubewell in the land. Learned counsel for the appellants has contended that the compensation awarded to the appellants for super-structures is on a very lower side. On the other hand, learned counsel for

the State submits that the appellants are not entitled to any compensation for the tubewell and the construction relating thereto. So far as the determination of the value of Super-structures is concerned, I do not find any fault with the judgment of the learned District Judge. He has reached at conclusion after appreciating the documentary evidence produced on the record by both the parties and after taking into consideration the statements of the witnesses produced. Even the claimant in this case has not stepped in the witness-box to state the expenses incurred by him and about the age of super-structures etc. According to the learned Advocate General, no separate compensation can be awarded to the appellant in view of the judgment of the Supreme Court in State of Punjab and Anr. v. Hans Raj (Dead) by Lrs. Sohan Singh and Ors. 1995 L.A.C.C. 25 (S.C.). I find force in the argument of the learned Advocate General. The compensation awarded for the super-structure is nothing but for a tubewell a motor-room, well and constructed room, i.e. all these super-structures were necessitated to operate the tubewell and the Supreme Court in State of Punjab's case (supra), has clearly ruled that irrigation well in an acquired land cannot have a value apart from the value of the agriculture land itself. The advantage which an agriculture land may have because of the irrigation facility, it had from the irrigation well, could only enhance the value of agricultural land depending upon the water yield from the well. Again when the agricultural land, irrigation of which was possible from the water of their irrigation well is acquired, will have to be determined taking into consideration the irrigation facility it had from the well.

29. In these circumstances, the State appeal i.e. RFA No. 643/89 is allowed. The Judgment of the learned District Judge and the order of the Collector are set aside. The claim of the claimant-appellants regarding allowance of compensation for super-structures is declined. Consequently, the appeal filed by the claimant-appellants qua super-structures is dismissed.

30. Similarly in Suresh Kumar's appeal (RFA, No. 1837/88) a sum of Rs. 5000/- was allowed towards compensation for the super-structures concerning the tubewell on the agricultural land. Though the determination of compensation for super-structures at the rate of Rs. 5000/- is correct in view of the discussion made in the judgment of the learned District Judge, but the claimants cannot be allowed separate compensation in view of the judgment of the Supreme Court in State of Punjab's case (Supra) as discussed above. The Judgment of the learned District Judge and the order of the Collector are thus set aside. The claim of the claimant-appellants regarding allowance of compensation for Super-structures is declined. Consequently the appeal filed by the claimant-appellants qua super-structures is dismissed and the state appeal i.e. RFA No. 646/89 is allowed.

31. Similarly in Amor Singh's case R.F.A. Nos. 637/89 and 641/89) a sum of Rs. 8,000/- was allowed towards the super-structures concerning a well and a tubewell room. Though the determination of compensation for super-structures at the rate of Rs. 8,000/- is correct in view of the discussion made in the judgment of the learned District Judge, but the claimants cannot be allowed

separate compensation in view of the judgment of the Supreme Court in State of Punjab's case (supra) as discussed above. The judgment of the learned District Judge and the order of the Collector are thus set aside. The claim of the claimant-appellants regarding allowance of compensation for super-structures is declined. Consequently, the appeals filed by the State i.e. R.F.A. Nos. 637/89 and 641/89 are allowed qua super-structures.