(2010) 03 P&H CK 0101

In the Punjab And Haryana At Chandigarh

Union Territory APPELLANT

Vs

Nachhattar Singh and Others
 Matu Ram Vs Union of India (UOI)
 Gurmeet Kaur and Others Vs Union Territory RESPONDENT

Date of Decision : 05-03-2010

Acts Referred:
Land Acquisition Act, 1894 — Section 4

Citation : (2010) 03 P&H CK 0101

Hon'ble Judges : Rajesh Bindal, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rajesh Bindal, J.—This order shall dispose of the aforesaid appeals, as the same arise out of common notification. The Union Territory, Chandigarh has filed the present appeal seeking reduction in the compensation granted for the superstructure existed on the acquired land whereas the landowners have approached this Court seeking further enhancement.

2. The facts have been extracted from RFA No. 1252 of 2009.

3. Briefly, the facts are that the land in Village Jhumru (Chandigarh) was acquired vide notification dated 15.5.1998 issued u/s 4 of the Land Acquisition Act, 1894, for development of Sectors 48 and 49 Chandigarh. The Land Acquisition Collector determined the compensation payable for the superstructures existing on the acquired land. Aggrieved against the award, the landowners filed objections which were referred to the learned Reference Court, who keeping in view the material placed on record by the parties, partly accepted the same by granting increase of 25% on the value as assessed at PWD rates. It is this order which is challenged before this Court.

4. It is not disputed by the learned Counsel for the parties that the learned court below had granted 25% increase on the compensation for acquisition of

superstructures on the rate determined by PWD which is admittedly in conformity with judgment of this Court in RFA No. 579 of 2006 Smt. Akko Devi and Ors. v. Union Territory, Chandigarh and Anr., decided on 1.10.2008. Therefore, no case for reduction or further increase is made out.

5. Accordingly, all the appeals are dismissed except RFA No. 1106 of 2005.

6. In so far as RFA No. 1106 of 2005 is concerned, the learned court below has not granted any increase rather it has dismissed the reference on the ground that the claimant had failed to prove the market value of his superstructures on the date of acquisition. It has been consistent opinion of this Court that in the absence of any expertise available with the court to determine the value of the super structure with minute details, as it is always seen that the land owners try to claim much more amount as compared to the actual value and on the other hand, the State makes conservative estimate on the basis of set principles, an increase of 25% on the value so assessed by the Collector is granted as a thumb rule. Accordingly, RFA No. 1106 of 2005 is disposed of with the direction that for the super structure existing on the acquired land, the land owner shall be entitled to additional amount of 25% over and above the value of the super structure as assessed by the Collector. He shall also be entitled to all statutory benefits available under the Act.