
(2011) 02 P&H CK 0059

In the Punjab And Haryana At Chandigarh

Case No : Regular First Appeal No. 4591 of 2010 (O and M)

Union Territory, Chandigarh

APPELLANT

Vs

Ram Paul

RESPONDENT

Date of Decision : 09-02-2011

Acts Referred:

Land Acquisition Act, 1894 — Section 4, 6

Citation : (2011) 2 RCR(Civil) 174

Hon'ble Judges : Rajesh Bindal, J

Bench : Single Bench

Judgement

Rajesh Bindal J.—Union Territory. Chandigarh is in appeal against the award of the learned court below, seeking reduction in the amount of compensation awarded by the learned court below to the respondent on account of super structure existing on the acquired.

2. Briefly, the facts are that vide notification dated 15.1.1999, issued u/s 4 of the Land Acquisition Act, 1894 (for short, "the Act"), 1.862 acres of land, situated in Hadbast No. 14 in village Dadumajra, U.T., Chandigarh was sought to be acquired for development of major institutions in the west of Sector 38, Chandigarh. The same was followed by notification dated 27.7.1999, issued u/s 6 of the Act. The Land Acquisition Collector (for short, "the Collector") awarded compensation of Rs. 4,01,896/- per acre for the acquired land. Vide supplementary award, the Collector awarded compensation for the super structure existing on the acquired land. As the land owner was dissatisfied, he filed objections, which were referred to Additional District Judge, Chandigarh for consideration, who keeping in view the material placed before him, awarded increase @ 15% over and above the valuation of super structures assessed by the officials of the Administration, besides 10% increase on the difference in the market rates and scheduled rates. It is this award, which is impugned before this court.

3. At the time of hearing, learned counsel for the appellant stated that he has been instructed by Chandigarh Administration to withdraw the present appeal in

view of the fact that increase on the amount of compensation awarded to the land owner for the super structure existing on the acquired land is in terms of the judgments of this court, which were accepted by the Administration. The fact that the legal issue involved in the appeal already stood settled when the present appeal was filed is not in dispute.

4. Considering the fact that the judgment of the learned court below was strictly in consonance with the law laid down by this court, which attained finality but still the appeal was filed in this court, the appellant is permitted to withdraw the appeal. However, for filing frivolous appeal, the appellant is burdened with cost of Rs. 20,000/-, which shall be deposited on or before 30.4.2011 with the Mediation & Conciliation Centre in the High Court. The Administration shall be at liberty to recover the cost from the guilty officer.