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RAMESHWAR DASS

v.

THE STATE OF PUNJAB

(Civil Appeal No. 3024 of 2019)

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MARCH 14, 2019

**[ABHAY MANOHAR SAPRE AND
DINESH MAHESHWARI, JJ.]**

Land Acquisition Act, 1894 – In C.A.@ SLP(C) No.5513/14, Respondent-State acquired the total land measuring around 14.49 acres (situated in 9 villages) for construction of Satluz-Yamuna canal – Appellant is the landowner of the land in question, located in the village Bhago Majra – Land Acquisition Officer (LAO) determined the compensation – Landowners including the appellant sought reference to the Civil Court – Civil Court enhanced the rates of the land – Landowners including the appellant filed appeal – High Court enhanced the compensation in view of its decision in Hari Singh and Others vs. State of Punjab & Anr. – In C.A.@ SLP(C) No.17144/14, C.A.@ SLP(C) No. 8073/14, C.A.@ SLP(C) No.29928/14 and C.A.@ SLP (C) No.8098/14 also, the appeals were disposed of by the High Court in view of its decision in Hari Singh’s case – In C.A.@ SLP(C) No.6261/14, the appeal filed was dismissed by the High Court upholding the order of the Civil Court – Application filed inter alia for enhancing the compensation, which was dismissed – Held: In C.A.@ SLP(C) No.5513/14, main order was passed by the High Court in the lead appeal filed by another landowner- Hari Singh – Hari Singh’s case also arose out of the same land acquisition proceedings out of which the present bunch of appeal arises – In Hari Singh’s case, the High Court threadbare examined the issue of determination of market rate of the acquired land situated in each of the 9 villages, keeping in view the quality, location, and the distance of acquired land from Chandigarh and then worked out the rates of the lands situated in each village after giving appropriate deduction/escalation, as the case may be – High Court’s approach cannot be faulted with and calls for no interference – High Court fixed appropriate rates for the lands situated in each of the 9 villages including Bhago Majra village – No ground to further enhance the compensation– In view of the order passed in C.A.@ SLP(C)

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No.5513/14, the C.A.@ SLP(C) No.17144/14, C.A.@ SLP(C) No. 8073/14, C.A.@ SLP(C) No.29928/14 and C.A.@ SLP (C) No.8098/14 are dismissed – In C.A.@ SLP(C) No.6261/14, appellant entitled to the same relief as in the case of Hari Singh, but not entitled to interest for the period 13.01.2009-01.08.2013.

Disposing of the appeals, the Court

HELD: In C.A.@ S.L.P.(C) No. 5513/14

1.1 The main order was passed by the High Court in the lead appeal filed by another landowner- Hari Singh by which the High Court partly allowed the other several appeals filed by the landowners and enhanced the compensation payable to the landowners in relation to their land situated in 9 different villages and, in consequence, dismissed the appeals filed by the State against the award of the Reference Court. Hari Singh's case also arose out of the same land acquisition proceedings out of which the present bunch of appeal arises. The appeal filed by Hari Singh was treated as the lead appeal by the High Court for determining the market rate of the land situated in 9 villages. By common judgment, the High Court partly allowed the landowners' appeals, enhanced the rate of compensation and in consequence dismissed the State's appeals. In Hari Singh's case, the High Court threadbare examined the issue of determination of market rate of the acquired land situated in each village (total 9) keeping in view the quality, location, and the distance of acquired land situated in 9 villages from Chandigarh. [Paras 14-16][195-D-F]

1.2 The High Court took into account all the aspects, such as location of each village, distance from the city of Chandigarh and its quality as was done by the LAO and then worked out the rates of the lands situated in each village after giving appropriate deduction/escalation, as the case may be, which varied from 10%, 20% and 25% depending upon the aforementioned factors. The aforementioned approach of the High Court also examined on perusal of the site map cannot be faulted with. It is just and proper calling for no interference. The High Court fixed appropriate rates for the lands situated in each of the 9 villages including Bhago Majra village after taking into account their location and the potentiality from all angles. Like the appellant,

A all other landowners whose land is situated in village Bhago Majra have also got the compensation at the uniform rate depending upon the quality of three classes of land. No good ground found to further enhance the rate of compensation than what has been enhanced by the High Court. [Paras 14-16, 18, 19, 21-23]
B [196-F-H; 197-B, C, F]

In C.A.@ S.L.P.(C) No.17144 of 2014, C.A.@ S.L.P.(C) No. 8073 of 2014, C.A.@ S.L.P.(C) No.29928 of 2014 and C.A.@ S.L.P.(C) No.8098 of 2014

C 1.3 In view of the order passed in C.A.@ S.L.P.(C) No.5513/2014, these appeals are also dismissed. [Paras 3]

C.A.@ S.L.P.(C) No. 6261 of 2014

D 1.4 In view of the order passed in Hari Singh & Ors., which is affirmed and the compensation has been allowed to all the landowners of village Bhago Majra at more or less uniform rates, this appellant deserves the same relief. Hence, the order dated 20.11.2013 dismissing the application for recall as also the order dated 01.08.2013 in RFA are set aside. This appellant is also held entitled to the same relief as allowed in the case of Hari Singh & Ors. but he shall not be entitled to any interest for the period 13.01.2009 to 01.08.2013. [Paras 3]
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Hari Singh and others vs. State of Punjab & Anr.
Decision dtd. 01.07.2013 of Punjab & Haryana High Court in RFA No.953/1994 – referred to.

F CIVIL APPELLATE JURISDICTION: Civil Appeal No. 3024 of 2019.

From the Judgment and Order dated 25.09.2013 of the High Court of Punjab and Haryana at Chandigarh in RFA No. 1943 of 1996.

WITH

G Civil Appeal Nos. 3028, 3026, 3029, 3027, 3025 of 2019.

Rohit Sharma, Anshul Chowdhary, Atul Agarwal, Rounak Nayak, O. P. Bhadani, Advs. for the Appellant.

Ms.Uttara Babbar, Ms. Bhavana Duhoon, Advs. for the Respondent.

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The Judgment of the Court was delivered by

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ABHAY MANOHAR SAPRE, J.

In C.A.@ S.L.P.(C) No.5513/2014

1. Leave granted.

2. This appeal is directed against the final judgment and order dated 25.09.2013 passed by the High Court of Punjab & Haryana at Chandigarh in R.F.A. No.1943 of 1996.

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3. In order to appreciate the issues involved in this appeal, it is necessary to set out a few relevant facts hereinbelow.

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4. The appellant is a landowner of the land in question whereas the respondent is the State of Punjab. This appeal along with other connected appeals arises out of determination of the compensation made by the High Court in relation to the appellant's land that was acquired in land acquisition proceedings.

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5. In exercise of the powers conferred under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act"), the State (respondent herein) acquired the total land measuring around 14.49 acres on 29.03.1988 for execution of public purpose, namely, "construction of Satluz-Yamuna canal". It was followed by publication of declaration as required under Section 6 of the Act on 03.05.1988.

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6. The acquired land (14.49 acres) is situated in 9 villages, namely,(1) Jandpur, Tahsil Kharar, District Ropar; (2) Dharak Khurd, Tahsil Kharar, District Ropar; (3) Pamour, Tahsil Sirhind, District Patiala; (4) Majat, Tahsil Kharar, District Ropar; (5) Matran, Tahsil Kharar, District Ropar; (6) Bhago Majra, Tahsil Kharar, District Roopnagar; (7) Siampur, Tahsil Kharar, District Roopnagar; (8) Mataur, Tahsil Mohali, District Kharar; and (9) Manak Majra, Tahsil Kharar, District Ropar. So far as the appellant's land is concerned, it is located in the village Bhago Majra

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7. The Land Acquisition Officer (LAO) under Section 11 of the Act initiated the proceedings for determination of compensation payable to the landowners of the aforementioned 9 villages. So far as the village of Bhago Majra is concerned, by his award dated 21.08.1990, the LAO determined the compensation payable to the landowners in relation to claim of land as under:

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S.No.	Class of land	Rate per acre awarded by the Land Acquisition Officer
1.	Chahi	Rs.55,000/-
2.	Barani	Rs.55,000/-
3.	Gair mumkin	Rs.40,000/-

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8. The landowners including the appellant herein felt aggrieved by the offer made by the LAO, as mentioned above, sought reference to the Civil Court for re-determination of the rate of the compensation in respect of the acquired land. In relation to the land belonging to the appellant, the Civil Court by its award dated 17.04.1996 re-determined the compensation and enhanced the rates of the land as under:

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S.No.	Class of land	Rate per acre awarded by the Reference Court
1.	Chahi	Rs.1,00,000/-
2.	Barani	Rs.75,000/-
3.	Gair mumkin	Rs.55,000/-

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9. The landowners including the appellant herein felt aggrieved by the aforementioned award of the Reference Court and filed appeal in the High Court.

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10. When the matter came up for hearing before the High Court, none appeared for the appellant. The High Court on hearing the State counsel partly allowed the appeal in favour of the landowner (appellant herein) in the light of the decision rendered in RFA No. 953 of 1994, *Hari Singh and others vs. State of Punjab & Anr.* decided on 01.07.2013 and enhanced the rate of compensation as was determined by the High Court in the case of **Hari Singh** (supra). The impugned order reads as under:

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“No one has appeared for the appellant.

Learned counsel for the State very fairly submitted that the claim made in the present appeal is squarely covered by

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judgment of this Court in RFA No.953 of 1994 Hari Singh & Ors. vs. The State of Punjab & Anr. decided on 1.7.2013. A

For the reasons recorded in Hari Singh's case (supra), the present appeal is disposed of in the same terms."

11. It is against this order, the appellant (landowner) has felt aggrieved and filed this appeal by way of special leave in this Court. B

12. So, the short question, which arises for consideration in this appeal, is whether the High Court was justified in partly allowing the appeal in the light of its earlier order dated 01.07.2013 passed in **Hari Singh and others vs. State of Punjab & Anr.** and other connected appeals (supra) or in other words, whether the appellant (landowner) is entitled to claim enhancement in the rate of compensation awarded by the High Court. C

13. Having heard the learned counsel for the parties and on perusal of the record of the case, we find no merit in this appeal. D

14. On perusal of the impugned order quoted above, it is clear that the main order was passed by the High Court in the lead appeal filed by another landowner - Hari Singh by which the High Court partly allowed the other several appeals filed by the landowners and has enhanced the compensation payable to the landowners in relation to their land situated in 9 different villages and, in consequence, has dismissed the appeals filed by the State against the award of the Reference Court. E

15. In other words, **Hari Singh's case** (supra) also arose out of the same land acquisition proceedings out of which the present bunch of appeal arises. The appeal filed by Hari Singh was treated as the lead appeal by the High Court for determining the market rate of the land situated in 9 villages. By a common judgment dated 01.07.2013, the High Court partly allowed the landowners' appeals, enhanced the rate of compensation and in consequence dismissed the State's appeals. F

16. In **Hari Singh's case** (supra), the High Court threadbare examined the issue of determination of market rate of the acquired land situated in each village (total 9) keeping in view the quality, location, and the distance of acquired land situated in 9 villages from Chandigarh. The High Court took note of the assessments made in relation to the lands situated at village Mehmudpur, Tehsil Sottal under the land acquisition notification dated 18.09.1985 and while providing for H

- A enhancement @ 10% for each year, enhanced the compensation for the acquisition in question that was made in the year 1988, for the lands situated at villages Matur, Matran, Siampur and Jandpur to Rs.2,50,000/- for Chahi with proportionate decrease for Barani and Gair Mumkin land. As regards the land situated at village Bhago Majra, the High Court made deduction to the extent of 20% keeping in view the nature of the land, its quality, location and distance from the city of Chandigarh and accordingly enhanced the rate of compensation as under:

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S.No.	Class of land	Rate per acre awarded by the High Court
1.	Chahi	Rs.2,00,000/-
2.	Barani	Rs.1,60,000/-
3.	Gair mumkin	Rs.1,20,000/-

- D 17. Learned counsel for the appellant (landowner), on the basis of the map of the site in question, argued that the land situated in village Bhago Majra with which we are concerned in these appeals has more potential as compared to the lands situated in other villages or in any event, according to learned counsel, it should have been made at par with the other lands where high rate has been determined. It was urged that the land situated in Bhago Majra is also near to Mohali and Chandigarh distance-wise and, therefore, the appellant is entitled to claim more compensation than what has been determined by the High Court in **Hari Singh's case** (supra) or at least the appellant is entitled to claim the same compensation as has been granted to the landowners of the land which are situated in other villages.

- F 18. We find no merit in this submission. In our view, the High Court has taken into account all the aspects, such as location of each village, distance from the city of Chandigarh and its quality as was done by the LAO and then has worked out the rates of the lands situated in each village after giving appropriate deduction/escalation, as the case may be, which has varied from 10%, 20% and 25% depending upon the aforementioned factors.

- G 19. In our view, the aforementioned approach of the High Court which we have also examined on perusal of the site map cannot be faulted with. It is just and proper calling for no interference.

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20. The appellant failed to show that the Courts below did not consider any material piece of evidence which had bearing over the issue in question. Likewise, the appellant was also not able to show that the High Court committed any fundamental error in determining the market value of the land situated in 9 villages. A

21. On the other hand, we also find that the High Court has fixed appropriate rates for the lands situated in each of the 9 villages including Bhago Majra village after taking into account their location and the potentiality from all angles. B

22. Like the appellant, all other landowners whose land is situated in village Bhago Majra have also got the compensation at the uniform rate depending upon the quality of three classes of land. It is clear from the following chart indicating the respective rates awarded by the Land Acquisition Officer, Reference Court and the High Court *qua* the appellant's land: C

S.No.	Class of land	Rate per acre awarded by the Land Acquisition Officer	Rate per acre awarded by the Reference Court	Rate per acre awarded by the High Court
1	Chahi	Rs.55,000/-	Rs.1,00,000/-	Rs.2,00,000/-
2	Barani	Rs.55,000/-	Rs.75,000/-	Rs.1,60,000/-
3	Gair Mumkin	Rs.40,000/-	Rs.55,000/-	Rs.1,20,000/-

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23. We are, therefore, unable to find any good ground to further enhance the rate of compensation than what has been enhanced by the High Court in the impugned order. F

24. As a consequence of the foregoing discussion, we find no merit in this appeal. This appeal fails and is accordingly dismissed.

In C.A.@ S.L.P.(C) No.17144 of 2014, C.A.@ S.L.P.(C) No. 8073 of 2014, C.A.@ S.L.P.(C) No.29928 of 2014 and C.A.@ S.L.P.(C) No.8098 of 2014 G

1. Leave granted.

2. So far these appeals are concerned, these were also disposed of by the High Court in the light of its earlier order dated 01.07.2013 passed in RFA No.953/1994 **Hari Singh and others vs. State of Punjab** H

A **& Anr.** (supra) except the difference being that in these appeals, the appellants (landowners) were duly represented before the High Court.

3. In view of the order passed above in **C.A.@ S.L.P.(C) No.5513/2014**, these appeals are also dismissed.

C.A.@ S.L.P.(C) No. 6261 of 2014

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1. Leave granted.

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2. So far this appeal is concerned, the appeal was filed and dismissed by the High Court by the order dated 13.01.2009 whereby the order passed by the Civil Court came to be upheld. Thereafter, in the light of the decision rendered in **Hari Singh & Ors.**(supra), the appellant preferred an application for recall on 01.08.2013 with a prayer for enhancing the compensation. The said application was dismissed on 20.11.2013 on the ground that the appellant neither availed of further remedy against the order dated 13.01.2009 nor filed application for recall immediately thereafter.

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3. In view of the order passed in **Hari Singh & Ors.**(supra), which is affirmed hereinabove and the compensation has been allowed to all the landowners of village Bhago Majra at more or less uniform rates, this appellant deserves the same relief. Hence, the order dated 20.11.2013 dismissing the application for recall as also the order dated 01.08.2013 in RFA are hereby set aside. This appellant is also held entitled to the same relief as allowed in the case of **Hari Singh & Ors.**(supra) but he shall not be entitled to any interest for the period 13.01.2009 to 01.08.2013. The concerned authorities shall take necessary steps immediately for disbursing the amount of compensation in accordance with law.

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The appeal thus succeeds and is allowed.