

The State Of Punjab vs Harchal Singh (Dead) Through Lrs on 23 May, 2006

Equivalent citations: (2006) 3 ICC 504, AIR 2006 SUPREME COURT 2122, 2006 (9) SCC 723, 2006 AIR SCW 2722, 2006 (4) AIR KANT HCR 650, 2006 (7) SRJ 216, (2006) 3 CTC 750 (SC), 2006 (2) HRR 13, 2006 (3) CTC 750, 2006 (6) SCALE 271, (2006) 43 ALLINDCAS 28 (SC), (2006) 3 RECCIVR 254, (2006) 3 LANDLR 140, (2006) 5 SCJ 437, (2006) 2 LACC 44, (2006) 6 ANDHLD 86, (2006) 4 SUPREME 529, (2006) 6 SCALE 271, (2006) 64 ALL LR 481, (2006) 5 ANDH LT 24, (2006) 3 ALL WC 3068, (2006) 4 CIVLJ 766, (2006) 101 REVDEC 340

Author: Ar. Lakshmanan

Bench: Ar. Lakshmanan, Lokeshwar Singh Panta

CASE NO.:

Appeal (civil) 3890-3891 of 1999

PETITIONER:

The State of Punjab

RESPONDENT:

Harchal Singh (Dead) through LRs.

DATE OF JUDGMENT: 23/05/2006

BENCH:

Dr. AR. Lakshmanan & Lokeshwar Singh Panta

JUDGMENT:

J U D G M E N T Dr. AR. Lakshmanan, J.

Heard Mr. H.M. Singh, learned counsel for the appellant and Mr. Nikhil Goel, learned counsel for the respondent. The matter relates to the acquisition of the land owned by the respondent for public purpose. Notification under section 4 of the Land Acquisition Act was issued on 4.2.1981 for the acquisition of the land in question situate in village Kambali, Tehsil Kharar, District Ropar for the purpose of expansion of Industrial Focal Point Mohali. The Land Acquisition Officer by its award dated 22.12.1983 awarded a sum of Rs.85,000/- per acre for Chahi land. We are concerned only with Chahi land in these appeals and not other lands. On 2.9.1986, the District Judge maintained the award of Rs.85,000/- per acre as regards Chahi land was concerned. The matter was taken up on appeal by the State of Punjab. The respondent claimant also filed an appeal. Both the appeals were disposed of by the High Court by a common judgment on 18.1.1989. The High Court awarded the compensation at Rs.1,75,000/-

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the acquired land. The High Court was of the view that on the ground of high potentiality of the acquired land, the compensation now awarded could not be said to be on the higher side.

In our opinion, the reasons given by the High Court in fixing the compensation at Rs.1,75,000/- per acre is cogent and convincing. The compensation awarded at Rs.1,75,000/- per acre cannot at all be characterised as excessive or on the high side as argued by the learned counsel for the State. Since the High Court has awarded the compensation at Rs.1,75,000/- per acre in the peculiar facts and circumstances of the case, we do not propose to interfere with the said award. This apart, aforesaid 4(1) Notification was issued in the year 1981 and the special leave petitions were filed in this Court in the year 1989 and the leave was granted in the year 1999 and the appeal is being disposed off now in the year 2006, which is only due to "Laws Delays" and that the delay is not attributable to any one.

We, therefore, have no other option except to dismiss the appeal. We also make it clear that the claimant shall also be entitled to all other statutory benefits under the amended provisions of the Land Acquisition Act as contained in Sections 23(1A), 23(2) and 28 of the Act. The High Court has also awarded cost of the appeal to the claimants. We affirm the same.

The Government having acquired the land in the year 1981, at least now pay the compensation and other benefits within three months from this date to the claimants.

In our opinion, there is absolutely no warrant for interference with the order passed by the High Court fixing the compensation at Rs.1,75,000/- per acre. The appeals accordingly stand dismissed. There shall be no orders as to costs.