IN THE COURT OF MONIKA GOYAL, ADDL. DISTRICT JUDGE SAS NAGAR MOHALI

CNR No. PBSA01003575-2016
LAND REF. No.168/15.07.2016
CIS NO.LAC/75/2016
DATE OF DECISION: 5.9.2019

1. Ranjor Singh son of Puran Singh
2. Shakuntla Devi widow of Jagpal Singh,

Khewatdars of Village Chandpur, Had Bast No.150, Tehsil Kharar, District Mohali and residents of village Sialba, Tehsil Kharar, Sub Tehsil Majri, District Mohali.

...Applicants/Claimants

Versus

1. State of Punjab through the Sub Divisional Magistrate-cum-Land Acquisition Collector, Kharar, Tehsil Kharar, District Mohali.
2. The Executive Engineer (B&R), Bandh Branch, Industrial Area, Phase-1, SAS Nagar (Mohali).
3. The Executive Engineer, Central Works Mandal, Phase VI, SAS Nagar (Mohali).

…Respondents

Award No.1 dated 8.10.2013	
Notification U/S 4 of the Act	Issued No.1.8.2012, but published on **13.1.2013**
Notification U/S 6 of the Act	7.3.2013, published on 14.3.2013
Total Land Acquired	10.23 Acres
Purpose of Acquisition	For upgradation and widening of Morinda-Kurali-Siswan road(MDR-31)
Basic rate/Market value of land	Rs.75,00,000/- per acre of the land situated at Villages Dusarna, Naggal, Sheikhpura, Andheri, Baraudi, Fatehpur, Chandpur, Boothgarh, Siswan and Rs.90,00,000/- per acre of the land situated at Village Chanalon, alongwith other statutory benefits and 10% non-litigation compensation.

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Application under Section 18 of the Land Acquisition Act, 1894.

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Present: Sh. Sher Singh Rathore, Shri Randeep Singh Rathore, Adv. and Shri Kuldeep Singh Rathore Advocates for the claimants.
Sh. Sandeep Dhiman Adv., counsel for claimants of Land Reference bearing CIS No. 66-2016, 32-2016, 90-2016, and 33-2016)
Sh. Manjit Singh Govt. Pleader along with Sh. Manmohan Singh, Sr. Assistant of the office of LAC cum SDM Kharar.

AWARD

This Award will dispose of a bunch of the following references:-

Sr. No.	LAC No.	Parties Name
1.	108 of 15.07.2016	Dharminder Singh and others Vs. State of Punjab and others.
2.	160 of 15.7.2016	Swaran Kaur and others Vs. State of Punjab and others
3.	143/15.7.2016	Smt. Jagtar Kaur and others Vs. State of Punjab and others
4.	157/15.7.2016`	Som Nath Sodhi and others Vs. State of Punjab and others
5.	158/15.7.2016	Narinder Singh Vs. State of Punjab and others
6.	140/15.7.2016	Charan Singh Vs. State of Punjab and others
7.	141/15.7.2016	Harmesh Singh and others Vs. State of Punjab and others
8.	112/15.7.2016	Swaran Singh and others Vs. State of Punjab and others
9.	133/15.7.2016	Sampuran Singh and others Vs. State of Punjab and others
10.	153/15.7.2016	Diltaj Kaur Vs. State of Punjab and others
11.	146/15.7.2016	Kirpal Singh Vs. State of Punjab and others
12.	114/15.7.2016	Bant Singh Vs. State of Punjab and others

13.	128/15.7.2016	Ravinder Kumar and others Vs. State of Punjab and others
14.	119/15.7.2016	Tarsem Lal Vs. State of Punjab and others
15.	148/15.7.2016	Nirmal Singh and others Vs. State of Punjab and others
16.	154/15.7.2016	Dalip Singh and others Vs. State of Punjab and others
17.	149/15.7.2016	Ujjagar Singh Vs. State of Punjab and others
18.	115/15.7.2016	Amar Kaur and others Vs. State of Punjab and others
19.	161/15.7.2016	Randhir Singh and others Vs. State of Punjab and others
20.	107/15.7.2016	Surinder Singh and others Vs. State of Punjab and others
21.	167/15.7.2016	Nirmal Singh and others Vs. State of Punjab and others
22.	150/15.7.2016	Bant Singh and others Vs. State of Punjab and others
23.	136/15.7.2016	Hakikat Singh Vs. State of Punjab and others
24.	129/15.7.2016	Gurjant Singh and others Vs. State of Punjab and others
25.	159/15.7.2016	Bahadur Singh Vs. State of Punjab and others
26.	144/15.7.2016	Pal Singh Vs. State of Punjab and others
27.	103/15.7.2016	Kulwant Singh and others Vs. State of Punjab and others
28.	164/ 15.7.2016	Harlochan Singh and others Vs. State of Punjab and others
29.	106/15.7.2016	Manjit Singh and others Vs. State of Punjab and others
30.	163/15.7.2016	Jasmer Singh and others Vs. State of Punjab and others
31.	139/15.7.2016	Jagmal Singh and others Vs. State of Punjab and others
32.	126/15.7.2016	Gurdev Singh and others Vs. State of Punjab and others
33.	116/15.7.2016	Amrik Singh and others Vs. State of Punjab and others
34.	137/15.7.2016	Bahadur Singh Vs. State of Punjab and others
35.	127/15.7.2016	Jaspal Kaur Vs. State of Punjab and others
36.	102/15.7.2016	Jaswant Kaur and others Vs. State of Punjab

		and others
37.	105/15.7.2016	Kamlesh Gupta Vs. State of Punjab and others
38.	113/15.7.2016	Gurdip Singh and others Vs. State of Punjab and others
39.	156/15.7.2016	Prem Singh and others Vs. State of Punjab and others
40.	124/15.7.2016	Rattan Singh and others Vs. State of Punjab and others
41.	138/15.7.2016	Mohammad Sabar and others Vs. State of Punjab and others
42.	125/15.7.2016	Ajit Singh and others Vs. State of Punjab and others
43.	134/15.7.2016	Ved Parkash and others Vs. State of Punjab and others
44.	118/15.7.2016	Gurpal Singh and others Vs. State of Punjab and others
45.	173/16.8.2016	Chaman Education and Caritable Trust Vs. State of Punjab and others
46.	151/15.7.2016	Ranbir Singh and others Vs. State of Punjab and others
47.	122/15.7.2016	Amarjit Singh Vs. State of Punjab and others
48.	121/15.7.2016	Gurpal Singh and others Vs. State of Punjab and others
49.	162/15.7.2016	Dalip Singh and others Vs. State of Punjab and others
50.	131/15.7.2016	Dilbagh Singh and others Vs. State of Punjab and others
51.	104/15.7.2016	Gurvinder Kaur Vs. State of Punjab and others
52.	123/15.7.2016	Avtar Singh and others Vs. State of Punjab and others
53.	135/15.7.2016	Bant Singh and others Vs. State of Punjab and others
54.	132/15.7.2016	Daljit Singh and others Vs. State of Punjab and others
55.	155/15.7.2016	Karam Kaur and others Vs. State of Punjab and others
56.	120/15.7.2016	Inder Singh and others Vs. State of Punjab and others
57.	147/15.7.2016	Amarjeet Kaur and others Vs. State of Punjab and others

58.	166/15.7.2016	Jagtar Singh and others Vs. State of Punjab and others
59.	117/15.7.2016	Sukhdev Singh and others Vs. State of Punjab and others
60.	130/15.7.2016	Harminder Singh Vs. State of Punjab and others
61.	142/15.7.2016	Girish Anand Vs. State of Punjab and others
62.	145/15.7.2016	Parvinder Kumar Patti Vs. State of Punjab and others
63.	152/15.7.2016	Nasib Singh and others Vs. State of Punjab and others
64.	165/15.7.2016	Bachan Singh Vs. State of Punjab and others

2. The afore-mentioned Land References have arisen out of the same date of notification and same Award and as such all the land References as mentioned in Para No.1 of this Award, were consolidated with Land Reference titled as Ranjor Singh and others Vs. State of Punjab CIS No. 75-2016..

As can be made out from records, State of Punjab wanted to upgrade and widen the Morinda-Kurali-Siswan road(MDR-31), for which it issued a notification u/s 4 of the Land Acquisition Act 1894 (hereinafter to be called as “the Act”) on 1.8.2012 and ultimately through Award No.1 dated 8.10.2013, the land measuring 2 Kanals-11 Marlas situated at Village Chanalon; 4 Bighas-18 Biswas situated at Village Dusarna; 1 Bigha-8 Biswas situated at Village Naggal; 1 Kanal-6 Marlas-4 Sarsahi situated at Village Sheikhupura; 5 Bigha-11 Biswas-12 Biswasi situated at village Andheri; 3 Kanals- 11 Marlas-1 Sarsahi situated at village Baraudi; 14 Kanals- 6 Marlas situated at village Fatehpur; 10 Bighas- 5 Biswas situated at village Chandpur; 12 Bighas- 11 Biswas-8 Biswasi situated at village Boothgarh and 1 Bigha-8 Biswa sitauted at village Siswan, i.e total land measuring 10.23 acres. The compensation of the above said acquired land situated at Villages Dusarna, Naggal, Sheikhpura, Andheri, Baraudi, Fatehpur, Chandpur, Boothgarh, Siswan was assessed at Rs.75,00,000/- per acre and for the land situated at Village Chanalon was assessed at the rate of Rs.90,00,000/- per acre alongwith other statutory benefits and 10% non-litigation compensation.

Being not satisfied with the above proposed compensation, some of the land owners moved applications under Section 18 of the Act before Land Acquisition Collector Urban Development Department seeking references of the matter to this court for adjudication so as to determine the actual market rate of the acquired land, upon which all such applications were referred to this court by the LAC.

On moving one such application dated 29.10.2013 by Ranjor Singh and others Khewatdars of Village Chandpur, Hadbast No.150, tehsil Kharar, District SAS Nagar Mohali, Department vide letter No.528 dated 31.5.2016 referred the petition for adjudication by averring that the land belonging to the claimants Ranjor Singh son of Puran Singh, Shakuntla Devi widow of Jagpal Singh situated in Village Chandpur, Tehsil Kharar, District SAS Nagar Mohali was acquired vide Award dated 8.10.2013 for up-gradation of Morinda-Kurali-Siswan road (MDR-31). They had submitted application under Section 18 of the Act. By making a reference, information as required under Section 18 of the Act notification u/s 4 of the Act, along with copy of award and grounds for determination of amount of compensation were dispatched.

Along with above titled reference 'Ranjor Singh and others Vs. State of Punjab', 64 other land owners moved similar applications/petitions (details of which have been mentioned in para No.1 of this Award) to Land Acquisition Collector which were also referred to this court for being answered and all the said applications/petitions were consolidated with the present petition titled 'Ranjor Singh and others Vs State of Punjab' as they all have arisen out of the same award and notification. All these petitions pertain to acquisition of land situated at villages Dusarna, Naggal, Sheikhpura, Andheri, Baraudi, Fatehpur, Chandpur, Boothgarh, Siswan. I shall endeavor to dispose of all the consolidated petitions along with the main petition titled 'Ranjor Singh and others Vs State of Punjab'. All the above land references are based upon the same facts. For the purpose of convenience, facts necessary for disposal of these references are culled from the land reference titled as Ranjor Singh and others Vs. State of Punjab'.

3. It was averred in the petition that their land comprised in Khasra Nos. 193, 194 situated in village Chandpur, Hadbast No.150, Tehsil Kharar, District Mohali has been acquired by the Punjab Government for the public purpose namely for up-gradation of Morinda-Kurali-Siswan road (MDR-31). It is further pleaded that the Award has been announced by the Land Acquisition Collector on 8.10.2013, but the amount of compensation awarded is most inadequate, insufficient and the same is not acceptable to them. Although, right from the initiation of action by the Government to acquire the land in question, the claimants have given detailed objections raising number of points to oppose the

acquisition as well as with regard to demand of the prevalent market value of the land, but while passing the award, the Government has not taken serious note of the same, which resulted into a miscarriage of justice with the claimants. It is further pleaded that from this action of the Government, it is crystal clear that the Government, while rescue it from implementation of the "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013" initiated the acquisition proceedings in the haphazard manner, which is crystal clear that the notification under Section 4 of the Act in the case in hand was issued on 3.1.2013 and notification under Section 6 of the Act was issued on 14.3.2013 and thereafter notices under Section 9 of the Act were issued to the claimants in the month of July, 2013 and in the month of October, the Award under challenge was announced and in this manner, it is crystal clear that the Government wants to discard the claimants from the benefits of the new Land Acquisition Act, but it is very well clear and already settled that the new Land Acquisition Act have retrospective effect i.e from the date, it was introduced in the House of Parliament and the claimants will be entitled to get all the benefits thereunder.

It is further pleaded that the land in question has got a great potential value at the time of notification under Section 4 of the Land Acquisition Act and the following facts are very relevant to throw the light on the potentiality of the land in question:-

i). That from the public purpose for which the land has been acquired, it is crystal clear that the land is having totally commercial potential since it has been acquired for the up-gradation of the Morinda-Kurali-Siswan Road (MDR-31) from which, it becomes abundantly clear that the value of the land in question is much more than the awarded one by the Land Acquisition Collector because the Collector should have awarded the compensation to the land owners, while keeping in view its commercial potentiality being falling on the road.

ii) That the land in question is situated near the Majri Block, which is a Sub Tehsil meaning thereby the land is situated in near proximity of the Tehsil Complex, Majri and this sole factor is very crucial for showing the commercial potentiality of the land in question.

iii) That the land in question, is near already developed city Kurali and also the land situated in Village Boothgarh has been acquired but in-fact, Village Boothgarh now falling on the road and the already developed area, has having all facilities of the Town i.e. Civil Hospital, Boothgarh, Government High School, Petrol Pump, Commercial Shops, Nursery of Plants, Office of the R.S. Society, Government Milk Diary and a fully developed Market etc. The above facilities clearly shows that Village Boothgarh is having all facilities of a Town and the market value of the land in question should have been assessed by the Acquiring Agency, while keeping in view all the factors in mind and the compensation should have been awarded keeping in view the urbanization and commercial and residential properties of the land in question.

iv) That H.D.F.C. Bank, situated near the Tehsil Complex of Majri is situated very near to the land in question. The Punjab National Bank is also situated near the land in question, which is situated in Village Sialba.

v) That in Village Majri, there is a large scale developed Bazar/Market from where every facility like a City can be availed by the inhabitants of the area and this factor is very relevant for assessing the market value of the land in question.

vi) That the Private Builders like Omaxe and D.L.F. etc. have purchased the land in the vicinity of the land in question after giving Crores for even one acre of land and these private builders have established the Residential Colonies near the land in question and are selling the plots at the very exorbitant rates and as such, if the claimants are permitted to use their land for setting up private colonies, they can also earn in Crores out of one acre of land. As such, the compensation awarded by the Acquiring Authority is inadequate and required to be enhanced.

vii) That Eco City, the Residential Complex being set up the Greater Mohali Area Development Authority in Mullanpur is situated near the land in question.

viii) That the land in question, having falling near Beautiful City Chandigarh, big people have made their Farm Houses also, while purchasing the land, which is also a factor to be kept in view.

ix) That the Private Developers have purchased the land and very rapidly, they are making part of the land adjacent to the land in question, to be urban land and while selling the flats etc., they are bent upon to and rather earned crores of rupees out of one acre of land and that being so, the rate awarded by the Government is very much on a lower side.

x) That India's Important and Unique Institute of P.G.I., Chandigarh is also situated near the land in question i.e. only about 9 Kms. from the land in question and the said factor is self speaking about the value of the land, which cannot be quantified at-least less than Rs.10 Crores per acre.

xi) That a big Factory/Company of Tractor Parts namely 'Swaraj Tractor Foundary', which is situated in Village

Majri is also situated in the vicinity of the land in question.

It is further pleaded that in view of the above facts, it is crystal clear that the land in question is having commercial potential and the same is fittest to be used for the commercial as well as the residential purposes and more particularly the land is fit for all intents and purposes and the value of the land in question is not less than Rs.10 Crores per acre and as such the claimants claimed the compensation in lieu of their acquired land at the rate of Rs.10 Crores per acre. They also pleaded to get benefit of “The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 and claimed 100% Solatium and 4 times the market value of the land. It is further pleaded that the Government will set up a Toll Barrier/Toll Plaza on the road in question and in case, the same is set up, the claimants, whose land is being acquired for the up-gradation of the said road, they should be given access through the road freely without charging any amount/toll, since their land is being acquired compulsorily by the Government for the road in question. It is further pleaded that the name of the claimant No.1 Ranjor Singh has inadvertently been mentioned as Ranjodh Singh in the revenue record and as such, the concerned revenue Department be also directed to correct his name as Ranjor Singh instead of Ranjodh Singh in the revenue Record and a prayer has been made for determination of the adequate market value of the acquired land.

It is pertinent to mention here that the name of claimant No.3 Baljit Kaur of Land Reference bearing L.R

No.103/15.7.2016 (CIS No.40-2016) and the name of claimant No.7 Tarsem Lal of Land Reference bearing L.R No.123/15.7.2016 (CIS No.46-2016) does not figure in the statements under section 19 of the Act.

Claimants Bahadur Singh in his claim petition bearing CIS No.66-2016 has also claimed 50% severance charges for the remaining un-acquired land.

Claimant Hakikat Singh has also pleaded in his Land Reference petition bearing CIS No.55-2016 that apart from the land, two shops of the applicant have also been acquired, but has not been awarded any compensation in lieu of shops and loss of business etc., The applicant was running the business/shop of general items in the said shops and these shops were his only source of livelihood and by acquiring the same, the Government has snatched the mode of occupation/employment from the applicant and as such, the applicant is also entitled to the compensation in respect of the acquired shops and on account of loss of business/earnings.

Claimants Bant Singh and others in their claim petition bearing CIS No.85-2016 have also claimed severance charges by submitting that with the acquisition of the land in question, the land of the applicants has been badly severed and the remaining land has become un-economic and the applicants can not raise construction in the remaining land to the extent of 100 feet, hence the applicants are entitled for severance allowance at the rate of 100% over and above compensation awarded by the Land Acquisition Collector. The applicants have also claimed compensation on account of the loss of business, by submitting that the applicants were doing the business of dairy farming in the land in question and were earning Rs.20,000/- per month from the same and from the acquisition of the land in question, the said business of the applicants has been badly effected and the same is stopped and the applicants are not in a position to restart the same and as such the applicants are entitled for the loss of the said business for five years at the rate of Rs.20,000/- per month.

Claimants Surinder Singh and others in their claim petition bearing CIS No.79-2016 have also pleaded that apart from the land, 10 Safeda trees of the applicants have also been acquired and as such they are also entitled to get the compensation in respect of their trees as per the prevailed market value and they are also entitled to get the fuel and timber value of the acquired trees.

Claimants Amar Kaur and others in their Land Reference application bearing CIS No.36-2016 have also pleaded that with the acquisition of the land in question, the land of the applicants has been badly severed and the remaining land has become un-economic and the applicants can not raise construction in the remaining land to the extent of 100 feet, hence the applicants are entitled for severance allowance at the rate of 100% over and above compensation awarded by the Land Acquisition Collector. It is further submitted by the applicants that they were doing the business of diary farming in the land in question and were earning Rs.20,000/- per month from the same and from the acquisition of the land in question, the said business of the applicants has been badly effected and the same is stopped and the applicants are not in a position to restart the same and they are entitled for the loss of the said business for five years at the rate of Rs.20,000/- per month.

Claimants Dalip Singh and others in their Land Reference petition bearing CIS No. 70-2016, have also claimed severance charges by submitting that with the acquisition of the land in question, the land of the applicants has been badly severed and the remaining land has become un-economic and the applicants can not raise construction in the remaining land to the extent of 100 feet, hence the applicants are entitled for severance allowance at the rate of 100% over and above compensation awarded by the Land Acquisition Collector. The applicants have also claimed compensation on account of the loss of business, by submitting that the applicants were doing the business of dairy farming in the land in question and were earning Rs.20,000/- per month from the same and from the acquisition of the land in question, the said business of the applicants has been badly effected and the same is stopped and the applicants are not in a position to restart the same and as such the applicants are entitled for the loss of the said business for five years at the rate of Rs.20,000/- per month.

Claimants Nirmal Singh and others in their Land Reference application CIS No. 51-2016 have also pleaded that apart from the land, submersible bore tubewell of the applicants were also acquired, but they have not been paid any compensation in respect of their said bore by the Land Acquisition Collector and as such they are entitled to get the compensation in respect of their acquired submersible bore tubewell as per the prevailed market value.

Claimant Tarsem Lal in his Land Reference application CIS No. 32-2016 has also claimed 50% severance charges for the remaining un-acquired land.

Claimant Diltaj Kaur in her claim petition bearing CIS No.87-2016 have also pleaded that apart from the land, about 10 Guava trees belonging to the applicant have also been acquired and as such she is entitled to get the compensation in respect of her acquired trees as per the prevailed market value and she is also entitled to get the fuel and timber value of the acquired trees.

Claimants Swaran Singh and others in their claim petition bearing CIS No.28-2016 have also pleaded that apart from the land, tubewell (submersible), Chabacha, Kotha, pipeline in 9 acres and trees i.e 2 Jamun, 2 Guava, 2 Safeda, 1 Shisham, 1 Aru, 2 Lemon and 1 Kino trees of the applicants were also acquired, but they have not been paid any compensation in respect of their acquired items by the land Acquisition Collector and as such they are entitled to get compensation in respect of their above referred acquired items, as per prevailed market value.

Claimants Amarjeet Kaur and others in their claim petition bearing CIS No.50-2016 have also pleaded that apart from the land, 3 Mango trees of the applicants were also acquired, but they have not been paid any compensation in respect of their acquired trees by the land Acquisition Collector and as such they are entitled to get compensation in respect of their above referred acquired trees as per prevailed market value.

Claimant Charan Singh in his Land Reference application bearing CIS No.34-2016 has also pleaded that with the acquisition of the land in question, the land of the applicant has been badly severed and the remaining land has become un-economic and the applicants can not raise construction in the remaining land to the extent of 100 feet, hence the applicants are entitled for severance allowance at the rate of 100% over and above compensation awarded by the Land Acquisition Collector.

Claimant Narinder Singh in his Land Reference application bearing CIS No. 65-2016 has also pleaded that with the acquisition of the land in question, the land of the applicant has been badly severed and the remaining land has become un-economic and the applicants can not raise construction in the remaining land to the extent of 100 feet, hence the applicants are entitled for severance allowance at the rate of 100% over and above compensation awarded by the Land Acquisition Collector.

Claimants Som Nath and others in their claim petition bearing CIS No.64-2016 have also pleaded that apart from the land, boundary wall, Turi Store and cattle shed of the applicants were also acquired, but they have not been paid any compensation in respect of their said acquired items by the land Acquisition Collector and as such they are entitled to get compensation in respect of their above referred acquired items as per the prevailed market value.

Claimants Nasib Singh and others in their claim petition bearing CIS No.83-2016 have also pleaded that apart from the land, trees i.e 4 Safeda, 4 Shisham trees of the applicaantgs were also acquired, but they have not been paid any compensation in respect of their acquired items by the land Acquisition Collector and as such they are entitled to get compensation in respect of their above referred acquired items as per the prevailed market value.

Claimants Daljit Singh and others in their Land Reference petition bearing CIS No. 31-2016, have also claimed severance charges by submitting that with the acquisition of the land in question, the land of the applicants has been badly severed and the remaining land has become un-economic and the applicants can not raise construction in the remaining land to the extent of 100 feet, hence the applicants are entitled for severance allowance at the rate of 100% over and above compensation awarded by the Land Acquisition Collector. The applicants have also claimed compensation on account of the loss of business, by submitting that the applicants were doing the business of dairy farming in the land in question and were earning Rs.20,000/- per month from the same and from the acquisition of the land in question, the said business of the applicants has been badly effected and the same is stopped and the applicants are not in a position to restart the same and as such the applicants are entitled for the loss of the said business for five years at the rate of Rs.20,000/- per month.

Claimants Dilbagh Singh and others in their claim petition bearing CIS No.37-2016 have also pleaded that apart from the land, boundary wall, 1 Kitchen, 1 Both room and 1 Dek tree of the applicants were also acquired, but they have not been paid any compensation in respect of their acquired items by the land Acquisition Collector and as such they are entitled to get compensation in respect of their above referred acquired items as per the prevailed market value.

Claimants Dalip Singh and others in their Land Reference petition bearing CIS No. 62-2016, have also claimed severance charges by submitting that with the acquisition of the land in question, the land of the applicants has been badly severed and the remaining land has become un-economic and the applicants can not raise construction in the remaining land to the extent of 100 feet, hence the applicants are entitled for severance allowance at the rate of 100% over and above compensation awarded by the Land Acquisition Collector. The applicants have also claimed compensation on account of the loss of business, by submitting that the applicants were doing the business of dairy farming in the land in question and were earning Rs.20,000/- per month from the same and from the acquisition of the land in question, the said business of the applicants has been badly effected and the same is stopped and the applicants are not in a position to restart the same and as such the applicants are entitled for the loss of the said business for five years at the rate of Rs.20,000/- per month.

Claimants Bahadur Singh and others in their Land Reference petition bearing CIS No. 35-2016, have also claimed severance charges by submitting that with the acquisition of the land in question, the land of the applicants has been badly severed and the remaining land has become un-economic and the applicants can not raise construction in the remaining land to the extent of 100 feet, hence the applicants are entitled for severance allowance at the rate of 100% over and above compensation awarded by the Land Acquisition Collector. The applicants have also claimed compensation on account of the loss of business, by submitting that the applicants were doing the business of dairy farming in the land in question and were earning Rs.20,000/- per month from the same and from the acquisition of the land in question, the said business of the applicants has been badly effected and the same is stopped and the applicants are not in a position to restart the same and as such the applicants are entitled for the loss of the said business for five years at the rate of Rs.20,000/- per month.

4. When a notice was issued, respondent No.1 SDM cum Land Acquisition Collector Kharar had filed written reply by admitting the facts that the land has been acquired by the Government of Punjab for public purpose namely for the up-gradation and widening of Morinda-Kurali-Siswan road (MDR-31) and has also admitted the passing of the Award in question, but respondent No.1 had denied all the remaining contents of the claim petition, by submitting therein that the award was passed after considering the market value, potential value, sale transactions in the area and other relevant factors. The sufficient and adequate compensation has been awarded to the landowners and the reference application has not been filed within a period of limitation. It is further submitted that vide award No.1 dated 8.10.2013, awarded compensation at the rate of Rs.75 lacs of all the villages except Village Chanalon, where the award was passed at the rate of Rs.90 lacs per acre and other statutory benefits were also awarded. During the process of acquisition, due procedure was followed as laid in the Act. Distance of

the acquired land mentioned from the various land marks by the claimants in sub paragraphs have been stated to wrong and denied by mentioning that the claimants may put to strict proof. It has been stated to be wrong and denied that the land in question has got commercial potential or the same is fit for commercial as well as residential use. It is also stated to be wrong and denied that the market value of the land was Rs.10 Crores per acre at the time of notification under Section 4 of the Act. It is further submitted that the "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013" is not applicable to the facts of the present case. A prayer has been made that the reference may be declined/dismissed.

Respondents No.2 and 3 had not filed any separate written statement, but on 17.12.2016, Government Pleader on behalf of respondent No.2 and Shri Jaswinder Singh, A.E Department of Central Workds Division PWD Mohali on behalf of respondent No.3, had adopted the written statement filed on behalf of respondent No.1 SDM cum LAC Kharar, by making a joint statement.

5. Rejoinder was not filed. From the pleadings of parties, following issues were framed :-

1. What was the market value of the acquired land at the time of issuance of notification under Section 4 of the Land Acquisition Act?OPA
2. Whether the claimants are entitled to enhancement of the compensation, if so, to what extent?OPA
3. Whether the claim petition is within limitation? OPA
4. Relief.

Besides the above said issues, the following issues were also framed in the consolidated Land References :-

3-A) Whether the application is not maintainable? OPR

6. While consolidating the above referred 64 land references vide separate orders passed in the files of the said Land References with the land reference titled as Ranjor Singh and others Vs. state of Punjab and others bearing CIS No.75 of 2016, it was also observed that the evidence would be recorded in the land reference titled as Ranjor Singh and others Vs. State of Punjab bearing CIS No.75-2016, but would be read over to dispose of all the above referred connected land references as well.

All the consolidated land references are being answered on the basis of evidence led by the parties in the present land reference titled as Ranjor Singh and others Vs. State of Punjab and others bearing CIS No.75-2016 as well as the evidence if any led by the parties in the consolidated land references prior to their consolidation.

In order to prove the above issues, claimant No.1 Ranjor Singh of Land Reference titled as Ranjor Singh etc. Vs. State of Punjab and others bearing CIS No.75-2016 himself stepped into the witness box as PW1 and he reiterated the version as made in the claim petition. Claimants further examined Sukhdev Singh Nambardar of Village Chandpur as PW2. Claimant No.1 Bant Singh son of Madho Singh of village Dusarna in claim petition titled as Bant Singh and others Vs. State of Punjab bearing CIS No.56-2016 appeared as his own witness as PW3. Sohan Singh son of Sardara Singh claimant No. 5 of the land reference bearing No.120/15.7.2016 titled as Inder Singh and others Vs. State of Punjab bearing CIS No.48-2016 appeared as his own witness as PW4. Claimants have further examined Tilak Raj, Nambardar of Village Chandpur as PW5, Rajinder Singh son of Gulab Singh as PW6. Gurpal Singh son of Hakam Singh of village Andheri claimant No.1 of the Land Reference bearing No. 121//15.7.2016 (CIS No.21-2016) stepped into the witness box as PW7. Claimants Harmesh Singh and others of village Barodi in Land Reference bearing No. 141/15.7.2016 (CIS No.78-2016) have examined Gurdeep Singh son of Bant Singh as PW8. Claimants Ranjor Singh and others have examined Amar Singh Draftsman as PW9 who proved siteplan Ex.P2 and Baldeep Singh Nambardar of village Barodi as PW10 and thereafter learned Counsel for the claimants tendered into evidence some documents as Ex.P1 and Ex.P3 to Ex.P33 and closed his evidence.

7. On the other hand, in defence, respondents had examined Deepak Bhardwaj Naib Tehsildar Cum Executive Magistrate Kharar as RW1, and thereafter Shri Manmohan Singh, Sr. Assistant closed evidence on behalf of respondent No.1, whereas evidence of respondents No.2 and 3 has been closed by order on 16.8.2019.

8. I have heard the learned counsel for the parties. The issue wise findings are as follows:-

ISSUE NO.1 AND 2

9. As both these issues are inter-connected, hence are being taken together for common discussion and decision. Onus to prove issues No.1 and 2 was upon the claimants.

Admittedly land belonging to the claimants mentioned in the above referred land references was acquired for upgrading and widening of Morinda-Kurali-Siswan road(MDR-31) vide Award No.1 dated 8.10.2013 passed by Shri Sukhjeet Pal Singh, Sub Divisional Magistrate exercising the powers of Land Acquisition Collector Kharar, Distt. SAS Nagar, Punjab whereby the compensation at the basic rate of Rs.75 lacs per acre for the land situated in Villages Dusarna, Naggal, Sheikhpura, Andheri, Baraudi, Fatehpur, Chandpur, Boothgarh, Siswan and Rs.90,00,000/- per acre of the land situated at Village Chanalon, alongwith other statutory benefits i.e 30% solatium, 12% A.P (appreciation price) and 10% non-litigation compensation in case land owners prefers not to file court cases and if the claimants do not prefer to accept the offer of the respondents with regard not to file litigation, they are not entitled for 10% non-litigation compensation.

So far as the grant of 10% non-litigation compensation is concerned, though in the Award itself, in the calculation of the compensation, 10% non-litigation compensation has also been calculated, but apart from it, nothing else has been mentioned in the Award with regard to the grant of 10% non-litigation compensation. Moreover neither the claimants nor the respondents have mentioned any pleadings in their claim petitions and written reply respectively in this regard, nor the respondents have calculated the 10% non-litigation compensation in the statements of the claimants under Section 19 of the Act. It is pertinent to mention that the Land Acquisition Act 1894 do not provide for any provision regarding payment of non-litigation premium, rather the Act provides for remedy to the landowners to make reference to the Court for determination regarding the amount of compensation. Thus, statute do not provide for payment of non-litigation premium.

Whereas vide Award No.1 dated 8.10.2013 Ex.RW1/1, Collector had awarded basic rate of compensation per acre as Rs.75 lacs for villages except Chanalon and Rs.90 lacs for Village Chanalon and 30% Solatium, 12% A.P and further made provisions for 10% non-litigation premium to be paid to the land owners. However under which provision this 10% non-litigation premium has been paid, has not been provided, what is the policy of the Government in this regard has also not been placed on record. It is not understandable as to how Collector at the time of passing of Award has granted this 10% non litigation premium.

It need mention here that Section 11 of the Land Acquisition Act, 1894 provides for enquiry and award by Collector, where he has to make enquiry into the objections, which any person interested has stated pursuant to a notice given under Section 9 to the measurements made under Section 8, and into the value of the land at the date of the publication of the notification under Section 4, sub-section (1) and into the respective interest of the persons claiming the compensation and shall make an award under his hand of the true area of the land, the compensation which in his opinion should be allowed and apportioned and he can make award with previous approval of the appropriate

Government. Section 11 further provides that if at any stage of proceedings Collector is satisfied that all the persons interesting in the land, who appeared before him had agreed in writing on the matters to be included in the award of the Collector in the form prescribed by rules made by the appropriate Government, he may without making further enquiry, make an award according to the terms of such agreement and such determination shall not effect the determiantion of the compensation in respect of other land in the same locality and such agreement shall not be liable to be registered under the Registration Act, 1908. Thus, apart from making enquiry and award for the true area, compensation and apportionment, Collector is competent to make an award if persons interested before him have agreed in writing on the matters to be included in the award. But no such agreement has been brought on record by the respondents to show that the persons interested have agreed for 10% non litigation premium. Thus the provisions of 10% non litigation premium made in the award Ex.RW1/1 is beyond powers of the Collector provided under Section 11 of the Act and the same is not sustainable.

Now payment of non litigation premium is to be perused from another view, as whether any Authority can curtail right of any person to pursue litigation by making payment. Section 18 of the Act provides right, to any person interested, to make a reference to the Collector, for determination by the Court, regarding his objections pertaining to measurement of the land, amount of compensation and entitlement of persons and apportionment of the compensation amongst the persons interested. Thus, any one aggrieved against award made by

Collector has a right to make reference to the Court under Section 18 of the Act and this right has been further curtailed by providing for limitation with in which such reference can be made and this right has been provided by Statute itself and same can not be curtailed by making a payment of 10% as non litigation premium. Thus the providing of non-litigation premium is against the basis-tenet of Land Acquisition Act 1894 and anything which is against the statute is not in public interest and is against public policy.

There is another point of view that relates with Section 28-A of the Act, where Court allows the applicant an amount of enhanced compensation on the amount awarded by the Collector. Here the persons interested in all other land covered by the same notification under Section 4(1) of the Act and who are also aggrieved by the Award of the Collector , notwithstanding that they had made an application under Section 18 of the Act, get redetermination of the amount of compensation through Collector on the basis of the Award of the Court, thus if compensation provided by the Collector is enhanced by the reference Court in a case of the applicants who had not accepted non-litigation premium, then the persons covered by the same notification under Section 4(1) of the Act regarding that award, will also be entitled to enhanced compensation from the Collector under Section 28-A of the Act. Thus, taking into account the scheme of the award, all the persons covered by notification under Section 4(1) of the Act will be entitled to the enhanced compensation as awarded by the Court, even if they had accepted 10% non litigation premium, as the objective behind Section 28-A is to bring parity among all the interested persons, whose land has been acquired under the same notification under Section 4(1) of the Act, thus as per Section 28-A, Collector is bound to re-determination the compensation on the lines of the award by the Court while answering the references, even for those claimants, who had not preferred an application under Section 18 of the Act. Thus Section 28-A comes as saver to those persons, who had not preferred any reference under Section 18 of the Act and accepted 10% Non-litigation premium.

Thus, in view of the above discussion, though the respondents have failed to produce or prove on record with regard to the payment of 10% non-litigation premium to the present claimants/landowners, but even if the respondents have paid the 10% non-litigation premium to the claimants, the present claim petitions are still maintainable.

11. The main prayer of claimants is regarding enhancement of compensation. It has been pleaded that acquired land had great residential as well as commercial potential as it has been acquired for the up-gradation of Morinda-Kurali-Siswan road; the land in question is situated near Majri Block, which is a Sub Tehsil; the land in question is near the already developed City Kurali and all the facilities are available near the land in question i.e Civil Hospital, Boothgarh, Government High School, Petrol Pump, Commercial Shops, Nursery of Plants, office of R.S Society, Government Milk Diary and fully developed market etc.; HDFC Bank Majri and Punjab National Bank are also situated near the land in question; the private builders like Omaxe and DLF etc., have purchased

the land in the vicinity of the land in question after giving Crores for even one acre of the land and these private builders have established the Residential Colonies near the land in question and are selling the plots at the very exorbitant rates. The Eco City, residential Complex being set up by the GMADA in Mullanpur is situated near the land in question and the same is also situated near the Beautiful City Chandigarh and big people have made their Farm Houses near the land in question. The India's important and Unique Institute of PGI is also situated near the land in question i.e only about 9 Kms from the land in question and a big factory/Company of Swaraj Tractor Foundary is also situated in Village Majri, in the vicinity of the land in question Although the said compensation was accepted but as per learned counsel for claimants, it was accepted under protest as the compensation was much below the market rate.

In order to prove the above said contentions raised by the claimants and their counsel for enhancement of the compensation, claimants Ranjor Singh of Land Reference titled as Ranjor Singh etc. Vs. State of Punjab and others bearing CIS No.75-2016 had himself stepped into the witness box as PW1 and he reiterated the version as made in the claim petition and in order to corroborate his version, he had also examined Sukhdev Singh Nambardar of Village Chandpur as PW2 and Baldeep Singh Nambardar as PW10. Further the claimants Bant Singh son of Madho Singh and Sohan Singh son of Sardara Singh and Gurpal Singh son of Hakam Singh had also stepped into the witness box as PW3, PW4, PW7 respectively and they reiterated the version put-forth by them in their claim petitions and in order to corroborate their version, they had also examined Tilak Raj, Nambardar of Village Chandpur and Rajinder Singh son of Gulab Singh, as PW5 and PW6. Further the claimants Harmesh Singh and others of Land Reference bearing CIS No.78-2016 had examined Gurdeep Singh son of Bant Singh as PW8, who also corroborated the version of the claimants.

In order to support their versions, claimants had also examined Amar Singh, Draftsman as PW9, who deposed by way of his affidavit as Ex.PW9/A that on the request of the claimants, he had visited the site/road on 15.2.2014 and prepared rough notes and Site plan of the acquired land of Village Chanalon, Dusarna, Naggal, Sheikhpura, Andheri, Baraudi, Sialba, Majri, Fatehpur, Chandpur, Boothgarh and Siswan, Distt. SAS Nagar and from the said rough notes and site plan, he had prepared the final map of the acquired land. He further stated that the acquired land of all these villages is acquired for upgradation/widening of Morinda-Kurali-Siswan road vide Award No.1 dated 8.10.2013, as shown with red colour in the Map Ex.P2. The Villages Chandpur, Baraudi, Fatehgarh, Chanalon, Sultanpur, Hoshiarpur, Kartarpur, Boothgarh, Kansala, Togan, Saini Majra, Rani Majra, Ghandauli, Dhode Majra, Rasulpur, Salamatpur, Bharaujian, Parol are shown in yellow colour in the said Map. The land acquired vide award No.546 dated 30.12.2013 for 60 meters wide road is shown in blue hatch in the map. The land proposed for mixed use by the Department of Country and Town Planning in drawing No.1992/2008 DTP(S) dated 19.11.2008 shown in Cyan Hatch in the map. The important places are shown in Magenta Hatch and the land developed by the Altus Space Builders, Omax Developers for Muir Wood Complex and Omax City shown in Grey hatch in the map. The land sold/purchased in different Khasra numbers of Village Parol vide wasika No.2065 dated 17.12.2007, 2054 dated 14.12.2007, 2059 dated 14.12.2007 executed in the office of Sub Registrar Majri are shown in green hatch in the map. The land sold/purchased in Khasra No.54/1 of Village Rani Majura vide sale deed wasika No.3816 dated 6.12.2011 executed in the office of Joint Sub Registrar Majri is shown in green colour in red boundary in the Map. He further stated that the land sold/purchased in a part at Kurali vide wasika No.7463 dated 26.11.2012 executed in the office of Sub Registrar Kharar is shown in green colour in blue boundary of the Map. The land sold/purchased in part at Village Chanalon vide wasika No.12619 dated 15.3.2012 and wasika No.7196 dated 16.11.2012 executed in the office of Sub Registrar Kharar is shown in green colour in the Magenta boundary in the Map Ex.P2. He further stated that the Map is prepared with the help of Akshjira of the Villages and is correct as per the site and is signed by him. During his cross examination, Amar Singh Draftsman PW9 had stated that he had seen the Aksh Latha of Patwari and he had prepared the rough notes, when he visited the spot, but he has not appended those rough notes with the Map. A suggestion was put to him that he has prepared a false map on the asking of the claimants and has deposed falsely. No other question was put to him by the respondents in his cross examination, thus respondents had not disputed the site plan, locations and their measurement.

12. The above said contentions have been opposed by learned counsel representing the respondents. It was submitted that most appropriate market rate was proposed by the LAC after taking into account all the facts and circumstances and considering the market value, potential value, sale transactions in the area and other relevant factors. The sufficient and adequate compensation has been awarded to the landowners and during the process of acquisition, due procedure was followed as laid in the Act. In order to prove the above said contentions, respondents had examined Deepak Bhardwaj Naib Tehsildar cum Executive Magistrate Kharar as RW1, who deposed by way of his affidavit Ex.RW1/A and reiterated the version as made in the written statement and further submitted that the award was passed after considering the market value, potential value, sale transaction in the area and other relevant factors and the sufficient and adequate compensation has been awarded to the landowners. He further stated that the "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013" is not applicable in the present case. He was cross examined at length and during his cross examination, he stated that he was not present at the time of acquisition of the land and even the Award Ex.RW1/1 was not announced in his presence. He can not tell the details of sale deeds considered by the Land Acquisition Collector at the time of determining the value of the land. He also admitted that the acquired land touches both sides of the road already laid down between Morinda-Kurali-Siswan and the acquired land of all the Villages is almost of same kind. He also admitted that at the time of acquisition, there was

Sub Tehsil, Shops etc., in the vicinity of the acquired land in the year 2013. He also admitted that due to development of New Chandigarh in the vicinity of acquired land, the prices of land are rising now.

No other oral evidence has been led by the respondents and even no site plan has been placed on record by the respondents. Ex.RW1/1 is the copy of the Award No.1 dated 8.10.2013.

13. I have given a careful thought to these submissions. Be that as it may, in order to support their claim, claimants were required to make out that market value of the acquired land prevailing at the time of issuance of notification under Section 4 of the Act i.e. on 13.1.2013 was much more than the price offered through Award No.1 dated 8.10.2013.

14. In order to prove their entitlement to the higher compensation, besides relying upon oral evidence, claimants have led evidence in the shape of sale deeds of the lands of the adjoining properties/villages sold/purchased during the relevant time and previous Land References pertaining to the similarly situated land of nearby villages answered by the learned Predecessor of this court as well as by this Court._

Let us first of all, take up the References answered by the learned Predecessor of this Court as well as by the Court of undersigned, produced on record by the claimants in the shape of primary evidence, which are mentioned in the following table:-

Sr. No.	Title of the Award of Reference Court	Date of the Award of Reference Court	Date of the notification under	Names of the Villages of the acquired	Exhibit	Value

			Section 4 of the Act	land		
1.	Baldev Singh and others Vs., State of Punjab and others	22.7.2013	20.2.2009	Mullanpur Garibdass, Ferozepur, Parol, Hoshiarpur, Majra	Ex.P1	Rs.2,32,00,000/- per acre
2.	Baldev Singh and others Vs. State of Punjab and others	1.10.2013	10.8.2009	Mullanpur Garibdass, Hoshiarpur ,Majra, Ferozepur Bangar, Parol, Bharonjian	Ex.P-27	Rs.2,45,92,000/- per acre
3.	Gian Singh and others Vs. State of Punjab and others	11.8.2016	21.5.2010	Mullanpur Garibdass	Ex.P28	Rs.2,68,05,282/- per acre
4.	Amrik Singh and others Vs. State of Punjab and others	20.11.2018	17.5.2013	Mullanpur Garibdass, Ferozepur Bangar	Ex.P29	Rs.3,86,86,925/- per acre
5.	Shiv Ram Singh and others Vs. State of Punjab	4.12.2018	17.5.2013	Hoshiarpur, Takipur	Ex.P30	Rs.3,86,86,925/- per acre
6.	Amritpal Singh and others Vs. State of Punjab	24.5.2018	17.5.2013	Hoshiarpur and Takipur	Ex.P31	Rs.3,86,86,925/- per acre
7.	Iqbal Kaur and others Vs. State of Punjab	24.5.2018	17.5.2013	Hoshiarpur	Ex.P32	Rs.3,86,86,925/- per acre
8.	Dharam Singh and others Vs. State of Punjab	24.8.2018	17.5.2013	Rani Majra, Togan, Tira, Ghandauli, Saini Majra, Bansepur, Kartarpur, Kansala, Boothgarh	Ex.P33	Rs.3,50,32,000/- per acre

It is pertinent to mention that all the above referred References Ex.P1, Ex.P27 to Ex.P33 answered by the Reference Courts are not relevant for determining the market value of the land acquired in the present Award No.1 dated 8.10.2013, as all the above referred References answered by the Reference Courts are pertaining to the big chunk of land like 57 acres, 133 acres, 42 acres, 161 acres, 301, 97 acres acres, whereas in the present Award No.1 dated 8.10.2013, the land of very small pieces of different land owners of different Villages totaling only 10.23 acres has been acquired. Moreover except the Village Boothgarh, all other Villages involved in the above referred References Ex.P1, Ex.P27 to Ex.P33, are situated at much distance from the land acquired in the present land references as per the Site Plan Ex.P2, which has not been disputed by respondents, where land acquired in present case is different from villages Mullanpur Garibdass, Feroazepur, Parol, Hoshiarpur, Majra, Bharonjian, Takipur, Rani Majra, Togan, Tira, Ghandauli, Saini Majra, Bansepur, Kartarpur, Kansala. Even the City Chandigarh is also situated at far away from the land acquired in the present land references, whereas the land acquired in the above referred land references Ex.P1, Ex.P27 to Ex.P33 is near the City Chandigarh and moreover around the said land, the developers have raised multipurpose buildings. The villages involved in the Land References Ex.P1, Ex.P27 to Ex.P33 i.e Villages Mullanpur Garibdass, Ferozepur Bangar, Hoshiarpur, Tira, Saini Majra, Togan, have high prices of land, not only because they are developed, but also due to their proximity of Chandigarh, whereas the land in question involved in the present land references, is not so developed. Consequently, in view of the above discussion, I find that the land References Ex.P1, Ex.P27 to Ex.P33 are not relevant for the determination of the market value of the acquired land of the present Land References.

15. Further, claimants have also relied upon the following sale deeds of the adjoining land to workout the market value of the acquired land, which are mentioned in the following table:-

Sr.No.	Area	Date of sale	Village	Rate per acre (apprx.)	Exhibit
1.	4 Kanals-3 Marlas	17.12.2007	Parol	Rs.3,04,00,000/-	P3
2.	1 Kanal-5-3/5 Marlas	6.12.2011	Rani Majra	Rs.4,26,65,600/-	P4
3.	2 Kanals-4 marlas	17.12.2007	Parol	Rs.3,04,00,000/-	P5
4.	23 Kanals-07 Malras	14.12.2007	Parol	Rs.2,88,00,000/-	P6
5.	5 Marlas	26.11.2012	Kurali	Rs.1,92,00,000/-	P7
6.	6-4/5 Marlas	16.11.2012	Chanalon	Rs.2,17,73,000/-	P8
7.	3 Marlas	16.7.2014	Kurali	Rs.2,13,00,000/-	P9
8.	14-3/4 Marlas	15.3.2012	Chanalon	Rs.1,85,42,000/-	P10

Perusal of the above said table and the copies of sale deeds shows that the sale deeds Ex.P3 to Ex.P7 and Ex.P9 are pertaining to the different villages namely Parol, Rani Majra, Kurali, and as per Ex.P2 Site plan, these Villages are situated at far away distance from the land involved in the present land references. Even sale deeds Ex.P7 and Ex.P9 of Village Kurali also cannot be taken into accounts, as it is fully developed city with Municipality. The village involved in the case in hand is Chanalon and the claimants have brought the sale deeds Ex.P8 and Ex.P10 of land situated at Village Chanalon. The land of Village Chanalon has also been acquired vide Award No.1 dated 8.10.2013 and as such, I find both these sale deeds Ex.P8 and Ex.P10 relevant for the determination of the market value of the acquired land involved in the present land references. It need to mention here that respondents have failed to rebut the sale deeds produced by claimants and also failed to produce any evidence to show that value of land in these sale deeds is exaggerated. Thus this Court is bound to take into account the sale deeds Ex.P8 and Ex.P10. Moreover the situation of land shown in Ex.P8 and Ex.P10 is in proximity to the land acquired and this fact has been substantiated by Site Plan Ex.P2 and corroborated by Ex.P11, which is site plan of Village Chanalon. Further both these sale deeds are pertaining to small chunk of land i.e 6-4/5 Marlas and 14-3/4 Marlas which correspond with the land in dispute. Thus, in order to work out the market value of the acquired land, I deem it proper to take the average value of both these sale deeds Ex.P8 and Ex.P10 and by applying this method, the average value of both these sale deeds comes to Rs.2,01,57,500/- per acre for village Chanalon.

As such sale deeds Ex.P8 and Ex.P10, which occurred on 16.11.2012 and 5.3.2012 respectively, will be considered to determine the market value of the acquired land as the notification under Section 4 of the Act in present case was published on 13.1.2013, almost 3 months from the date of sale deed Ex.P8 and about 11 months from the sale deed Ex.P10.

Hon'ble Supreme Court in **Jai Narain and others Vs. State of Haryana and others, Civil Appeal No. 2690 of 2012**

decided on 9.11.2017 (SC) under similar circumstances while arriving at market value of the acquired land, has observed that @ 12% per annum in market value from exampled sale deed is justified.

It is pertinent to mention here that the sale deeds Ex..P8 and Ex.P10 dated 16.11.2012 and 5.3.2012 respectively, have been considered to determine the market rate of the acquired land. As the the notification under Section 4 of the Act in present case was published on 13.1.2013 i.e almost 3 months from the date of sale deed Ex.P8 and about 11 months from the sale deed Ex.P10, hence in order to calculate the enhancement of compensation at the rate of 12% per annum, I deem it proper to take the proportionate ratio of the period of difference between the date of the notification of the present case and the sale deeds Ex.P8 and Ex.P10 i.e 3+11= 14/2= 7 Months. Hence, by applying the law noted above and if the benefit of increase in land price during the interregnum period from 5.3.2012 to 13.1.2013 is granted @ 7% (proportionately) over and above the sale price of Rs.2,01,57,500/- per acre, by this reckoning the market value would come out to be Rs.2,15,68,525/- per acre for village Chanalon, but as regards other villages i.e Dusarna, Naggal, Sheikhpura, Andheri, Baraudi, Fatehpur, Chandpur, Boothgarh, Siswan, the situation of these villages is different from village Chanalon. No sale deed pertaining to these villages has been brought on record. Therefore, taking into account Ex.P2, it can easily be inferred that situation of village Chanalon is better than other concerned villages of present case in terms of price of land as it touches main road on two sides and the village Chanalon falls on Highway connecting

Kharar with Ropar and on otherside, there is MDR-31 joining Morinda-Kurali-Siswan, for widening of which present land has been acquired. Moreover village Chanalon falls opposite Kurali, which is already developed. Thus prices of the land in village Chanalon can't be compared with other villages involved in the present case. Even this distinction has been made in Award No.1 dated 8.10.2013 Ex.RW1/A as well, where Land Acquisition Collector has awarded compensation at the rate of Rs.75,00,000/- per acre of the land situated at Villages Dusarna, Naggal, Sheikhpura, Andheri, Baraudi, Fatehpur, Chandpur, Boothgarh, Siswan and Rs.90,00,000/- per acre of the land situated at Village Chanalon, alongwith other statutory benefits, whereas the sale instances Ex.P8 and Ex.P10 taken up for determination of the market value of the acquired land are pertaining to Village Chanalon. In absence of any evidence of other villages, it is difficult to determine the market value of the land in those villages, hence I deem it proper to work out the market value of the acquired land situated in Villages Dusarna, Naggal, Sheikhpura, Andheri, Baraudi, Fatehpur, Chandpur, Boothgarh, Siswan in proportionate ration of 90:75 as determined by the Collector and it is appropriate in facts and circumstances of present case, thus in this manner, by applying this method, the market value of the acquired land situated in Villages Dusarna, Naggal, Sheikhpura, Andheri, Baraudi, Fatehpur, Chandpur, Boothgarh, Siswan comes to Rs.1,79,73,770/- per acre.

16. Consequently, in view of the above discussion, claimants of the above referred Land References under consideration are found entitled to compensation for the land of Villages Dusarna, Naggal,

Sheikhpura, Andheri, Baraudi, Fatehpur, Chandpur, Boothgarh, Siswan at the rate of Rs.1,79,73,770/- per acre, whereas the land owners of the acquired land of village Chanalon would be entitled to the compensation at the rate of Rs.2,15,68,525/-, along with all statutory benefits envisaged under Section 23(1-A) 23(2) and 28 of the Act.

17. So far as the compensation claimed by various claimants in the above referred Land References on account of the acquisition of their Superstructure/tubewell, trees etc. as well as on account of loss of business and severance allowance, is concerned. In this regard, it is submitted that the statements under Section 19 of the Act annexed with the Reference letters of the above referred all the land references, does not show the acquisition of any Superstructure/tubewell, trees etc. and moreover the claimants themselves have also not produced any such record on the files of the present Land References to show that along with the land, any superstructure, trees etc. were also acquired by the Government. Even the claimants have also not examined any witness to prove that due to the acquisition of the land, they had suffered any business loss or their land has been severed. Consequently, in view of the above discussion, the claimants are not entitled for any compensation qua the alleged acquisition of Superstructures, trees etc., as well as on account of alleged loss of business and severance allowance.

17. In view of the above discussion, I decide this issues No.1 and 2 in favour of the claimants and against the respondents.

ISSUE NO.3

18. Onus to prove this issue was upon the claimants. As per proviso to Section 18(2) an application seeking redetermination can be presented within six weeks from the date of Collector's Award and if the land owner was not represented before the Collector at the time of making Award, time period to move application seeking redetermination is six weeks from the date of receipt of notice under Section 12(2) or within six months from the date of Award whichever is earlier. In other words when a landowner is not represented before the Collector and the Collector also fails to send a copy of Award to the person interested, an application seeking redetermination can be filed within six months from the date of 'constructive knowledge' of the Award, which introduces an element of subjectivity. In such circumstances 'limitation' no more remains a question of law only as imputing knowledge requires leading of evidence.

In the above referred land References, award was passed on 8.10.2013, whereas most of the claimants of the above referred Land References had moved applications/petitions under Section 18 (ibid) to Land Acquisition Collector Mohali in the month of October /November, 2013 i.e within the period of limitation.

Further more, the respondents have not led any evidence oral or documentary to show that the land references preferred by the above named claimants are beyond limitation. They failed to bring on record any notice under Section 12(2) of the Act or any document showing presence of claimants at the time of passing the award or receiving of copy of award by the claimants. In the present case, the respondents had failed to bring on record any evidence that the claimants were present At the time of passing of award or they were represented through some one. Moreover the respondents have failed to place on record any notice issued to the claimants under Section 12(2) of the Act. Onus was upon the respondents to prove that the present claim petitions have not been preferred with in limitation, but the respondents have failed to discharge their onus. Thus, taking into account the judgment of the Hon'ble Supreme Court in **Premji Nathu Vs. State of Gujarat 2012(3) RCR(Civil) 290**, I hold that the references are within time from the date of knowledge. As such I decide this issue in favour of the claimants and against the respondents.

ISSUE NO.3-A

19. Onus to prove this issue was upon the respondents but at the time of arguments this issue was not pressed by the learned counsel for the respondents and consequently this issue decided against the respondents.

RELIEF

20. In view of my findings on the above stated issues, all the above referred land references are answered by holding that the claimants of the present land reference as well as the above referred consolidated land references, are entitled to compensation of their acquired land situated at Villages Dusarna, Naggal, Sheikhpura, Andheri, Baraudi, Fatehpur, Chandpur, Boothgarh, Siswan, at the rate of Rs.1,79,73,770/- per acre, as there is no case pertaining to Village Chanalon decided with the present references. Claimants are also held

entitled to all statutory benefits available under Section 23(1-A), 23 (2) and 28 of the Land Acquisition Act, 1894. Counsel's fee of Rs.1000/- is assessed.

Memo of costs be prepared. This Judgment/Award be read in the above referred connected/consolidated land References as well. File be consigned to the record room.

Pronounced in open court
Dated: 5.9.2019

(Monika Goyal)
Addl. District Judge
SAS Nagar Mohali
Unique I.D No.PB.0439

*Balwinder Singh
Stenographer grade I

BALWINDER SINGH

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Present: Sh. Sher Singh Rathore, Shri Randeep Singh Rathore, Adv. and Shri Kuldeep Singh Rathore Advocates for the claimants.
Sh. Sandeep Dhiman Adv., counsel for claimants of Land Reference bearing CIS No. 66-2016, 32-2016, 90-2016, and 33-2016)
Sh. Manjit Singh Govt. Pleader along with Sh. Manmohan Singh, Sr. Assistant of the office of LAC cum SDM Kharar.

Arguments have been heard Vide separate detailed Award of even date, the present land reference as well as the following 64 consolidated land references have also been answered, as per the details enumerated therein;-

Sr. No.	LAC No.	Parties Name
1.	108 of 15.07.2016	Dharminder Singh and others Vs. State of Punjab and others.
2.	160 of 15.7.2016	Swaran Kaur and others Vs. State of Punjab and others
3.	143/15.7.2016	Smt. Jagtar Kaur and others Vs. State of Punjab and others
4.	157/15.7.2016`	Som Nath Sodhi and others Vs. State of Punjab and others
5.	158/15.7.2016	Narinder Singh Vs. State of Punjab and others
6.	140/15.7.2016	Charan Singh Vs. State of Punjab and others
7.	141/15.7.2016	Harmesh Singh and others Vs. State of Punjab and others
8.	112/15.7.2016	Swaran Singh and others Vs. State of Punjab and others
9.	133/15.7.2016	Sampuran Singh and others Vs. State of Punjab and others
10.	153/15.7.2016	Diltaj Kaur Vs. State of Punjab and others
11.	146/15.7.2016	Kirpal Singh Vs. State of Punjab and others
12.	114/15.7.2016	Bant Singh Vs. State of Punjab and others
13.	128/15.7.2016	Ravinder Kumar and others Vs. State of Punjab and others
14.	119/15.7.2016	Tarsem Lal Vs. State of Punjab and others
15.	148/15.7.2016	Nirmal Singh and others Vs. State of Punjab and others

16.	154/15.7.2016	Dalip Singh and others Vs. State of Punjab and others
17.	149/15.7.2016	Ujjagar Singh Vs. State of Punjab and others
18.	115/15.7.2016	Amar Kaur and others Vs. State of Punjab and others
19.	161/15.7.2016	Randhir Singh and others Vs. State of Punjab and others
20.	107/15.7.2016	Surinder Singh and others Vs. State of Punjab and others
21.	167/15.7.2016	Nirmal Singh and others Vs. State of Punjab and others
22.	150/15.7.2016	Bant Singh and others Vs. State of Punjab and others
23.	136/15.7.2016	Hakikat Singh Vs. State of Punjab and others
24.	129/15.7.2016	Gurjant Singh and others Vs. State of Punjab and others
25.	159/15.7.2016	Bahadur Singh Vs. State of Punjab and others
26.	144/15.7.2016	Pal Singh Vs. State of Punjab and others
27.	103/15.7.2016	Kulwant Singh and others Vs. State of Punjab and others
28.	164/ 15.7.2016	Harlochan Singh and others Vs. State of Punjab and others
29.	106/15.7.2016	Manjit Singh and others Vs. State of Punjab and others
30.	163/15.7.2016	Jasmer Singh and others Vs. State of Punjab and others
31.	139/15.7.2016	Jagmal Singh and others Vs. State of Punjab and others
32.	126/15.7.2016	Gurdev Singh and others Vs. State of Punjab and others
33.	116/15.7.2016	Amrik Singh and others Vs. State of Punjab and others
34.	137/15.7.2016	Bahadur Singh Vs. State of Punjab and others
35.	127/15.7.2016	Jaspal Kaur Vs. State of Punjab and others
36.	102/15.7.2016	Jaswant Kaur and others Vs. State of Punjab and others
37.	105/15.7.2016	Kamlesh Gupta Vs. State of Punjab and others
38.	113/15.7.2016	Gurdip Singh and others Vs. State of Punjab and others

39.	156/15.7.2016	Prem Singh and others Vs. State of Punjab and others
40.	124/15.7.2016	Rattan Singh and others Vs. State of Punjab and others
41.	138/15.7.2016	Mohammad Sabar and others Vs. State of Punjab and others
42.	125/15.7.2016	Ajit Singh and others Vs. State of Punjab and others
43.	134/15.7.2016	Ved Parkash and others Vs. State of Punjab and others
44.	118/15.7.2016	Gurpal Singh and others Vs. State of Punjab and others
45.	173/16.8.2016	Chaman Education and Caritable Trust Vs. State of Punjab and others
46.	151/15.7.2016	Ranbir Singh and others Vs. State of Punjab and others
47.	122/15.7.2016	Amarjit Singh Vs. State of Punjab and others
48.	121/15.7.2016	Gurpal Singh and others Vs. State of Punjab and others
49.	162/15.7.2016	Dalip Singh and others Vs. State of Punjab and others
50.	131/15.7.2016	Dilbagh Singh and others Vs. State of Punjab and others
51.	104/15.7.2016	Gurvinder Kaur Vs. State of Punjab and others
52.	123/15.7.2016	Avtar Singh and others Vs. State of Punjab and others
53.	135/15.7.2016	Bant Singh and others Vs. State of Punjab and others
54.	132/15.7.2016	Daljit Singh and others Vs. State of Punjab and others
55.	155/15.7.2016	Karam Kaur and others Vs. State of Punjab and others
56.	120/15.7.2016	Inder Singh and others Vs. State of Punjab and others
57.	147/15.7.2016	Amarjeet Kaur and others Vs. State of Punjab and others
58.	166/15.7.2016	Jagtar Singh and others Vs. State of Punjab and others
59.	117/15.7.2016	Sukhdev Singh and others Vs. State of Punjab and others
60.	130/15.7.2016	Harminder Singh Vs. State of Punjab and

		others
61.	142/15.7.2016	Girish Anand Vs. State of Punjab and others
62.	145/15.7.2016	Parvinder Kumar Patti Vs. State of Punjab and others
63.	152/15.7.2016	Nasib Singh and others Vs. State of Punjab and others
64.	165/15.7.2016	Bachan Singh Vs. State of Punjab and others

Counsel's fee of Rs.1000/- is assessed.

Memo of costs be prepared. This Judgment/Award be read in the above referred connected/consolidated land References as well. File be consigned to the record room.

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Dated: 5.9.2019

(Monika Goyal)
Addl. District Judge
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*Balwinder Singh
Stenographer grade I

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