

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).31770/2011

(From the judgement and order dated 16/12/2010 in RFA No.412/2004 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

USHA SINGHAL & ORS.

Petitioner(s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent(s)

WITH S.L.P.(C)...CC NO. 8724-8754 of 2012

(With permission to file SLP and office report)

Date: 26/04/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

For Petitioner(s)                      None

For Respondent(s)

UPON perusing papers the Court made the following  
O R D E R

Delay condoned. Substitution allowed and the legal representatives of the deceased petitioners are permitted to file the special leave petitions.

These petitions are directed against judgments dated 21.5.2010 and 16.12.2010 of the learned Single Judge of the Punjab and Haryana High Court, whereby he partly allowed the appeals filed by the landowners and enhanced the compensation determined by the Reference Court.

Although, the cases were taken up twice no one has appeared on behalf of the petitioners.

By Notification dated 17.2.1992 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act'), the Government of Punjab proposed the acquisition of 209.55 acres land situated at Village Ajnali and 4.39 acres land situated at Village Ambe Majra for a public purpose, i.e., for setting up Industrial Focal Point, Mandi Gobindgarh. The declaration under Section 6(1) of the Act was published in Punjab Government Gazette dated 9.9.1992. The Land Acquisition Collector passed award dated 14.9.1994 and fixed market value of the land of Village Ajnali at the rate of Rs.1,00,000/- per acre and of Village Ambe Majra at the rate of Rs.80,000/- per acre. The Reference Court enhanced the compensation of the land situated in the two villages to Rs.1,80,000/- per acre and Rs.1,20,000/- per acre, respectively.

Dissatisfied with the judgment of the Reference Court, the appellants and other landowners filed appeals under Section 54 of the Act. The learned Single Judge analysed the evidence including the sale deeds produced by the parties, discarded all the sale deeds produced by the State and held that the landowners of Village Ajnali are entitled to higher compensation at the rate of Rs.4,00,000/- per acre. However, no enhancement was granted in respect of the land of Village Ambe Majra.

For enhancing the compensation in respect of the land situated at Village Ajnali, the learned Single Judge relied upon the two sale deeds produced by the landowners, applied a cut of 50% keeping in view the location of the acquired land and held that as against the value of Rs.9,50,000/- per acre specified in one of the sale deeds, the landowners are entitled to compensation at the rate of Rs.4,00,000/- per acre.

In our considered view, the impugned judgments do not suffer from any legal infirmity warranting interference under Article 136 of the Constitution.

The special leave petitions are accordingly dismissed.

| (Parveen Kr.Chawla)  
| Court Master  
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| | (Phoolan Wati Arora)  
| | Court Master  
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