

THE STATE OF PUNJAB

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v.

GURDIAL SINGH ETC.

JULY 26, 1995

[K. RAMASWAMY AND K.S. PARIPOORNAN, JJ.]

B

*Land Acquisition Act, 1894*

*Land Acquisition—Compensation—Relief claimed on the basis of an earlier judgment—Consequential determination of compensation by High Court at a flat rate—Appeal against—Dismissed as neither the judgment relied on nor the fact whether appeal against that judgment was filed brought on record.*

C

In an appeal before the High Court claiming higher compensation for the Lands acquired the claimants as well as the State relied upon an earlier judgment of the High Court i.e. *State of Punjab v. Chand Singh*, R.F.A. No. 1413/77 dated August 23, 1979 and requested the Court to dispose of the matter in terms thereof. Accordingly, a Single Judge of the High Court determined the compensation at a flat rate of Rs. 7,000 per acre of the entire land. The Division Bench of the High Court dismissed the appeal against which an appeal was preferred to this Court.

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Dismissing the appeal, this Court.

HELD : It is rather unfortunate that nothing has been placed on record whether the State has carried the decision of the Division Bench in *Chand Singh's* case in appeal to this Court and if so what was its result. Further, even that judgment has not been made part of record. Therefore, it will be difficult for this Court to find whether the determination of Rs. 70,000 per acre at a flat rate was proper compensation. The appeal is accordingly dismissed for the aforesaid reasons. [352-G, 353-A]

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CIVIL APPELLATE JURISDICTION : Civil Appeal No. 1904 of 1980.

From the Judgment and Order dated the 28.1.80 of the Punjab &

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A Haryana High Court in L.P.A.No. 306/79 in R.F.A.No. 1434 of 1977.

With

Civil Miscellaneous Petition No. 6336 of 1980.

B Ranbir Yadav and G.K. Bansal for the Appellants.

Manish Kr. Choudhary and S.K. Verma for the Respondents No. 2.

S.C. Patel for the Respondent Nos. 1, 3-6.

C The following Order of the Court was delivered :

D A notification under s.4(1) of the Land Acquisition Act was published in the State Gazette of Punjab on October 26, 1971 acquiring 70 Canals 48 Marlas of land for establishing a Mandi (Market). The Land Acquisition Officer in his award dated February 18, 1972 classified the land into three categories and determined the compensation at Rs. 40,000, Rs. 20,000 & Rs. 10,000 per acre respectively. On reference under s.18, the Additional District Judge in his award and decree dated June 3, 1976 classified the land into 5 categories and determined the compensation at the rate of Rs. 65,000, 50,000, 25,000, 20,000 and 15,000 per acre respectively. Dissatisfied therewith, the claimants filed the appeal. The learned single Judge by his judgment and decree dated August 31, 1979 determined the compensation at a flat rate of Rs. 70,000 per acre of the entire land. The learned single Judge has noted in the judgment that the counsel for the State and the claimants have agreed that the point raised in the appeal was squarely covered by a decision of that court in *State of Punjab v. Chand Singh*, R.F.A. No. 1413/77 dated August 23, 1979. Following that judgment the State's appeal as well as the claimants' cross objections were disposed of accordingly. The Division Bench dismissed the appeal. Thus, this appeal by special leave.

G It is rather unfortunate that nothing has been placed on record whether the State has carried the decision of the Division Bench in *Chand Singh's* case in appeal to this court and if so what was its result. Further, even that judgment has not been made part of record. Therefore, we are not in a position to know on what principle the learned judge had granted H a flat rate to the entire land. But in this case since the claimants as well as

the State relied upon the said judgment and requested the Court to dispose of the matter in terms thereof, without any material on record, it will be difficult for this Court to find whether the determination of Rs. 70,000 per acre and at a flat rate was proper compensation. Accordingly we are constrained to dismiss the appeal for the aforesaid reasons. No costs. A

Since the record has not been printed, the Registry is directed to refund printing charges. B

T.N.A.

Appeal dismissed.