

Hans Raj and Others

Vs

Union Territory of Chandigarh through Land Acquisition Collector

S.L.P. (C) No. 4626 of 1986

(L. M. Sharma, S. Mohan, N. Venkatachala JJ)

08.09.1992

JUDGEMENT

VENKATACHALA, J.:-

1. This Special Leave Petition is made respecting the judgment and decree dated 28-11-1985 in LPA No. 468/80 of the High Court of Punjab and Haryana. An extent of 10 kanals 5 marlas of land belonging to the petitioners included in 227.37 acres of land in Mani Majra village on the outskirts of Chandigarh was notified for acquisition for public purpose pursuant to notification under S. 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') published in the local Gazette on 21-3-1972. The Land Acquisition Collector made an award under Section 11 of the Act determining the market value of the petitioners' lands at the rate of Rs. 5,525/- an acre. However, he did not award any amount of compensation for certain loss of poultry business etc. for which a claim was made by the petitioners. The Additional District Judge at Chandigarh, by whom a reference under Section 18 of the Act had been received, rejected the same. But, on petitioners appeal before the High Court, the learned single Judge enhanced the market value of the acquired land of the petitioners to a rate of Rs. 13,400/- an acre. He also granted compensation of Rs. 41,446.98 for super structures on the land. On a further appeal being LPA No. 648 / 80 by the petitioners before the Division Bench of the same Court, a sum of Rs. 20,000 was granted by way of additional compensation to the petitioners for loss of their earnings due to the acquisition of the land. In the SLP now filed by the petitioners against the judgments of the High Court, grant of higher market value for the land of the petitioners is sought.

2. As could be seen from the judgment of the learned single Judge of the High Court, the market value of the acquired land of the petitioners is fixed at Rs. 13,400 an acre, as that was the market value claimed for their land before the learned single Judge relying on an earlier Division Bench judgment of the same Court in RFA NO. 169/77. When the market value of the acquired land of the petitioners is fixed by the learned single Judge as had been sought on behalf of the petitioners and that amount of market value has been affirmed by the Division Bench, there cannot be any good reason for us to interfere with such determination of the market value of the acquired land by the High Court, particularly when no material on record is brought to our notice which had not been considered by the High Court in determining the market value of the acquired land. Hence, we dismiss this Special Leave Petition, however, without costs. Petition dismissed.

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