

PETITIONER:
THE STATE OF PUNJAB

Vs.

RESPONDENT:
GURDIAL SINGH ETC.WITHCIVIL MISCELLANEOUS PETITION NO. 6336

DATE OF JUDGMENT26/07/1995

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
PARIPOORNAN, K.S.(J)

CITATION:
1995 SCC (5) 331 1995 SCALE (4)594

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

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/- & 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 filled the appeal. The learned single Judge by his judgement 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 judgement 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.

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 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.

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

JUDIS