

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. **CR No. 1948 of 2005**
Date of Decision : 06.02.2015

Improvement Trust, PatialaPetitioner

Versus

Roshan Lal and othersRespondents

2. **CR No. 1871 of 2005**

Improvement Trust, PatialaPetitioner

Versus

S. Dilawar Singh TiwanaRespondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

Present: Mr. Hitinder Singh Lalli, Advocate
for the petitioner.

Mr. Arihant Jain, Advocate
for the respondents.

R.P. Nagrath, J. (Oral)

This order will dispose of **CR No. 1948 of 2005**
(Improvement Trust, Patiala vs. Roshan Lal and others) and
CR No. 1871 of 2005 (Improvement Trust, Patiala vs. S.
Dilawar Singh Tiwana) as similar question arises in both the
cases. The facts are being extracted from **CR No. 1948 of 2005**.

Challenge by the Improvement Trust-petitioner is to the
orders dated 25.10.2004 and 21.12.2004 passed by the Executing
Court. Vide order dated 21.12.2014, the Executing Court has

directed to issue warrants of attachment of the property of Improvement Trust for recovery of amount of compensation under the award.

I have heard learned counsel for the parties, carefully perused the impugned order and the paper-book.

It is admitted proposition of fact that against enhancement of the amount of compensation the Improvement Trust filed SLP (C) No. 10384 of 2006 before the Hon'ble Supreme Court and the same was dismissed on 17.09.2012. Hon'ble Supreme Court observed that the land owners shall be entitled to withdraw the balance of the amount which must have been deposited by the Improvement Trust in terms of the order passed on 14.07.2006. Hon'ble Supreme Court further directed that in case Improvement Trust had not deposited the entire amount of compensation alongwith the statutory benefits admissible to the land owners, the Improvement Trust shall pay the amount to the land owners and/or their legal representatives within a period of three months by getting prepared demand drafts in their names.

Some of the land owners also filed SLP (C) No. 10491 of 2006 before Hon'ble Supreme Court for enhancement of compensation. Hon'ble Supreme Court dismissed the Special Leave Petition on 28.01.2013 and it was observed as under:-

“In our view, the method adopted by the Tribunal for determining the amount of compensation was consistent with the law laid down by this Court and the

High Court did not commit any error by dismissing the writ petitions. We cannot overlook the fact that while assessing market value of the acquired land, the Tribunal had referred to the sale instances produced by the petitioners and declined to rely upon the same by assigning cogent reasons. The High Court could not have, in exercise of power under Articles 226 and 227 of the Constitution interfered with the findings recorded by the Tribunal, which were essentially findings of fact. In any case, we do not find any merit in the petitioners' claim for further enhancement in the amount of compensation because they did not produce evidence to prove that the acquired land was identical or substantially similar to various parcels of land sold by different persons.

With the above observations, the special leave petitions are dismissed.

However, by taking cognizance of the submission made by Shri Nidhesh Gupta that the petitioners have not been paid the amount of compensation determined by the Tribunal, we direct the Trust to pay the balance amount, if any, due to the petitioners within a period of two months from today."

In view of the above and the time bound directions issued by Hon'ble Supreme Court to the Improvement Trust to pay

the amount, the instant petition deserves to be allowed.

The impugned order is set aside with liberty to the decree-holders/respondents to initiate appropriate steps or to apply to the Executing Court in case some amount still remains outstanding.

February 06, 2015
jk

(R.P. NAGRATH)
JUDGE