

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CM No.4401 of 2015 and
CWP No.2409 of 2002 (O&M)
Date of decision: 21.5.2015**

Tejinder Mohan and another

.....Petitioners

Vs.

Land Acquisition Tribunal, Improvement Trust, Bathinda and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Ashok Jindal, Advocate for the petitioner.
Mr. J.S.Toor, Advocate for the Improvement Trust, Bathinda.

Ajay Kumar Mittal,J.

CM No.4401 of 2015

1. This is an application under Section 151 CPC for deciding the main case in terms of order dated 5.5.2014 passed in CWP No.1526 of 2002 (*Amrik Singh vs. Land Acquisition Tribunal, Improvement Trust, Bathinda*).

2. Notice of the application to the respondents. Mr. J.S.Toor, Advocate accepts notice on behalf of the Improvement Trust, Bathinda.

3. At the joint request of learned counsel for the parties, main petition is taken up for hearing today. CM stands disposed of.

CWP No.2409 of 2002

4. The petitioners seek modification of the award dated 12.4.2001, Annexure P.1 passed by the Land Acquisition Tribunal (Improvement Trust), Bathinda.

5. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The Improvement Trust, Bathinda decided to frame a commercial-cum-residential scheme known as 25.57 acres Bibi Wala Road Scheme. Notice under Section 36 of the Town Improvement Act, 1922 (in short, “the 1922 Act”) was published in the Tribune on 4.5.1990 under the signatures of Mukhtiar Singh Sandhu, the then Chairman of Improvement Trust, Bathinda. Notice under Section 38 of the 1922 Act was also served upon the petitioner. The petitioner filed objections against the said scheme. Thereafter, the Punjab Government issued notification dated 3.5.1991 and sanctioned the development scheme of the Trust. The land of the petitioner was also acquired in this scheme. No notice under section 9(1) of the Land Acquisition Act, 1894 (in short, “the 1894 Act”) was served upon the petitioner. The Land Acquisition Collector announced the award on 20.4.1993 determining compensation in respect of land, structures and trees etc. No notice under Section 12 of the 1894 Act was served on the petitioner. The petitioner filed reference application for referring the case to the Land Acquisition Tribunal, Improvement Trust, Bathinda for enhancement of compensation on various grounds. Accordingly, the reference under Section 18 of the Act was made by the Land Acquisition Collector to the Tribunal. The Tribunal vide award dated 12.4.2001, Annexure P.1 decided the reference application and fixed the market value of the acquired land at ₹ 50/- per square yard uniformly for the entire land. In addition thereto, the petitioner was also held entitled to solatium at the rate of 30% and interest on the enhanced amount at the rate of 9% per annum for the first year with effect from the date the possession was taken and at the rate of 15% per annum for the subsequent period till

payment was made. The petitioner was not satisfied with the rate of compensation. According to the petitioner, the acquired land is situated in the thickly populated area of Bathinda city. The Kamla Nehru Nagar Scheme of Improvement Trust, Bathinda which was fully developed is situated just opposite to the acquired land. There are many other important buildings near this land. Hence the instant petition by the petitioner for modifying the award.

6. We have heard learned counsel for the parties.

7. In the present case, the award was passed by the Land Acquisition Tribunal, Bathinda on 12.4.2001 determining compensation of acquired land at the rate of ₹ 50/- per square yard alongwith other statutory benefits. Learned counsel for the parties are agreed that identical matter in *Amrik Singh's* case (supra) has already been remitted back to the Tribunal by this Court for a fresh decision with regard to re-determination of the value of the land acquired. Consequently, the impugned award dated 12.4.2001, Annexure P.1 is set aside and the matter is remitted back to the Improvement Trust, Bathinda for deciding the same afresh after hearing the parties in accordance with law. The writ petition stands disposed of accordingly.

(Ajay Kumar Mittal)
Judge

May 21, 2015
'gs'

(Rekha Mittal)
Judge