

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 17.11.2015

CWP No.18597 of 2015

Improvement Trust, FaridkotPetitioner

Vs.

Land Acquisition Tribunal, Improvement Trust, Faridkot & othersRespondents

CWP No.18598 of 2015

Improvement Trust, FaridkotPetitioner

Vs.

Land Acquisition Tribunal, Improvement Trust, Faridkot & othersRespondents

CWP No.18600 of 2015

Improvement Trust, FaridkotPetitioner

Vs.

Land Acquisition Tribunal, Improvement Trust, Faridkot & othersRespondents

CWP No.18601 of 2015

Improvement Trust, FaridkotPetitioner

Vs.

Land Acquisition Tribunal, Improvement Trust, Faridkot & othersRespondents

CWP No.18605 of 2015

Improvement Trust, Faridkot & anotherPetitioners

Vs.

Land Acquisition Tribunal, Improvement Trust, Faridkot & othersRespondents

CWP No.18614 of 2015

Improvement Trust, Faridkot & anotherPetitioners

Vs.

Land Acquisition Tribunal, Improvement Trust, Faridkot & othersRespondents

CWP No.18615 of 2015

Improvement Trust, FaridkotPetitioner

Vs.

Land Acquisition Tribunal, Improvement Trust, Faridkot & othersRespondents

CWP No.18616 of 2015

Improvement Trust, Faridkot & anotherPetitioners

Vs.

Land Acquisition Tribunal, Improvement Trust, Faridkot & othersRespondents

CWP No.18685 of 2015

Improvement Trust, FaridkotPetitioner

Vs.

Land Acquisition Tribunal, Improvement Trust, Faridkot & othersRespondents

CWP No.18696 of 2015

Improvement Trust, FaridkotPetitioner

Vs.

Land Acquisition Tribunal, Improvement Trust, Faridkot & othersRespondents

CWP No.19300 of 2015

Improvement Trust, Faridkot & anotherPetitioners

Vs.

Land Acquisition Tribunal, Improvement Trust, Faridkot & othersRespondents

CWP No.19302 of 2015

Improvement Trust, FaridkotPetitioner

Vs.

Land Acquisition Tribunal, Improvement Trust, Faridkot & othersRespondents

CWP No.19312 of 2015

Improvement Trust, FaridkotPetitioner

Vs.

Land Acquisition Tribunal, Improvement Trust, Faridkot & othersRespondents

CWP No.19322 of 2015

Improvement Trust, FaridkotPetitioner

Vs.

Land Acquisition Tribunal, Improvement Trust, Faridkot & othersRespondents

CWP No.19328 of 2015

Improvement Trust, FaridkotPetitioner

Vs.

Land Acquisition Tribunal, Improvement Trust, Faridkot & othersRespondents

CWP No.19330 of 2015

Improvement Trust, FaridkotPetitioner

Vs.

Land Acquisition Tribunal, Improvement Trust, Faridkot & othersRespondents

CWP No.19333 of 2015

Improvement Trust, FaridkotPetitioner

Vs.

Land Acquisition Tribunal, Improvement Trust, Faridkot & othersRespondents

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MRS. JUSTICE RAJ RAHUL GARG**

Present: Mr. G. S. Attariwala, Advocate,
for the petitioner(s).

HEMANT GUPTA, J.

This order shall dispose of aforementioned bunch of writ petitions filed by the Improvement Trust, Faridkot against the Award dated 01.12.2014 announced by the Land Acquisition Tribunal, Faridkot (for short 'the Tribunal'). Since the issue in all the writ petitions is same in law and on facts, therefore, the same are decided vide this common order. However, for the facility of reference, the facts are taken from CWP No.18597 of 2015.

Land measuring 34.70 Acres i.e. 277 Kanals 12 Marlas situated on Ferozpur Road, Faridkot was acquired for residential and commercial development

vide notification dated 02.09.2005 issued under Section 36 of the Punjab Town Improvement Act, 1922 (for short 'the Act'). Subsequently, notification under Section 42 of the said Act was issued on 31.08.2006. The Land Acquisition Collector vide Award dated 29.08.2008 awarded compensation at the rate of Rs.10 lacs per acre in respect of land measuring 3.795 acres abutting the road and Rs.8 lacs per acre in respect of the remaining land measuring 30.698 acres. Apart from the said compensation for the land acquired, compensation for constructions and standing trees was also assessed.

Dissatisfied with the amount of compensation, the landowners-respondents No.2 to 7 herein sought reference, as provided under Section 18 of the Land Acquisition Act, 1894. The matter was referred to the Tribunal for adjudication. Before the Tribunal, apart from examining Harpreet Singh Pawar, Draftsman as AW-6, who tendered into evidence his affidavit Ex.A16 and also proved the site plan of the acquired land as Ex.A17; the landowners namely Baljit Singh, Manohar Lal, Bimla Devi & Darshan Singh stepped into witness box as AW-1, AW-2, AW-3 & AW-4 respectively. The landowners also tendered into evidence copy of their respective sale deeds. Apart from reiterating their claim regarding inadequate compensation, the landowners have deposed with regard to the various developments that had taken place in the vicinity of the acquired land. However, in their cross-examinations, the landowners admitted that the land was never cultivated and there is no source of irrigation. They also admitted that the school building is ahead of the acquired land towards Ferozepur side. One of the landowners namely AW-4 Darshan Singh also stated that the land under acquisition was a barren land. The learned Tribunal found that the sale deeds produced by the landowners, except sale deed Ex.P11, were executed in the year 2005 i.e. prior to the issuance of notification under Section 36 of the Act. From the testimony of RW-1 Kulwant Singh, Executive Officer, Improvement Trust, Faridkot, the Tribunal found that there is development in all directions of Faridkot city and that the Canal Colony is 1 Km. away from the acquired land. The Tribunal also found that RW-1 Kulwant Singh in his cross-examination did not specifically deny the fact of existence of Matharu Industries; two schools; a showroom of two-wheelers and a

Rice Mill near or adjoining the acquired land. After considering the entire evidence, the learned Tribunal vide impugned Award dated 01.12.2014 assessed the compensation at the rate of Rs.10,60,000/- per acre.

When the writ petitions came up for hearing before this Court on 04.09.2015, learned counsel for the petitioner has sought time to find out the dates of the sale deeds relied upon by the landowners in respect of their claim for enhancement of compensation and it has been sought to be contended that the sale deeds are post-notification period.

However, learned counsel for the petitioner could not dispute the finding recorded by the learned Tribunal that the sale deeds, except sale deed Ex.P11, are prior to the publication of the notification under Section 36 of the Act. Such sale deeds were rightly found as reasonable basis for assessing the compensation. We do not find any merit in the argument that the land was not cultivable, therefore, there was no reasonable basis to enhance the compensation. The land may not be cultivable, but it has a potential for being used for commercial and residential purposes, as there is a Canal colony, which is 1 Km. away from the acquired land. Existence of Matharu Industries; two schools; a showroom of two-wheelers and Rice Mill near or adjoining the acquired land is also proved. Thus, the acquired land has a potential to be used for commercial and residential purposes. Therefore, the flat rate of compensation i.e. Rs.10,60,000/- assessed by the Tribunal is fair and reasonable amount of compensation. The Tribunal has rightly found that the belting system cannot be sustained, as the entire land has a potential for use as commercial area.

In view of the above, we do not find any merit in the present writ petitions. The same are dismissed.

(HEMANT GUPTA)
JUDGE

17.11.2015
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(RAJ RAHUL GARG)
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