

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 9061 of 2014

Date of Decision: 18.5.2015

Ram Krishan

....Petitioner.

Versus

Sandeep Kaur and others

...Respondents.

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

PRESENT: Mr. Hardip Singh, Advocate for the petitioner.

Mr. Balbir Singh, Advocate for respondent No.3.

Mr. M.L. Saini, Advocate for respondent No.5.

AJAY KUMAR MITTAL, J.

1. This order shall dispose of two petitions bearing CWP Nos. 9061 and 9100 of 2014 as according to learned counsel for the parties the issues involved therein are identical. For brevity, the facts are being taken from CWP No. 9061 of 2014.

2. Written statements on behalf of respondent No.3 filed in both the cases are taken on record subject to all just exceptions.

3. CWP No. 9061 of 2014 has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for modifying the award dated 28.9.2012 (Annexure P-5) for enhancement of compensation in accordance with the reference petition filed vide Land Reference No. 6 dated 1.4.2005 by respondents No.1 to 4 under Sections 18 and 30 of the Land Acquisition Act, 1894 (in short "the Act"). Further, a prayer has been made for remanding the matter to

the Land Acquisition Tribunal, Patiala (hereinafter referred to as “the Tribunal”) for deciding the issue regarding apportionment of compensation of the acquired land between the petitioner and respondents No.1 to 3 and to grant the same to the petitioner as per his entitlement of 3/4th share of compensation of the acquired land being in possession of the same till 17.12.2002 when the possession was taken by the Improvement Trust, Patiala.

4. Government of Punjab acquired the land measuring 42 acres situated within the revenue estate of village Ablowal, Tehsil and District Patiala for the development of residential colony vide notification dated 12.12.1998 issued under Section 36 of the Punjab Town Improvement Act, 1922. The award was passed on 29.1.2001 awarding compensation @ ₹ 214/- per square yard to the land owners. The possession of the acquired land was taken by the Trust on 17.12.2002. Being aggrieved by the award, respondents No.1 to 3 filed application dated 20.1.2003 (Annexure P-1) under Sections 18 and 30 of the Act for enhancement and apportionment of compensation of the acquired land measuring 34 bighas to the extent of their 19/34 share situated in village Ablowal, Tehsil and District Patiala by referring the same to the Tribunal for adjudication of market value of the acquired land and apportionment of compensation amongst respondents No.1 to 3 and the petitioner. The petitioner was in continuous cultivating possession of the land in question through his predecessor-in-interest, i.e. his father Biru Ram who died on 19.3.1998 and have the right, title and interest in the land and, therefore, was entitled to 3/4th share of compensation of the acquired land. He was in possession of the land in dispute till it was acquired and the possession thereof was taken by the Trust. The

petitioner through his father had developed this land and made it cultivable with hard work and spending huge amount and respondents No.1 to 3 never came in possession of the same. The Tribunal vide order dated 28.9.2012 (Annexure P-5) decided the reference by consolidating it with Reference No.6 dated 10.10.2003 (Jaswant Singh v. Improvement Trust etc.) only with regard to the enhancement of compensation of the acquired land. However, the question of apportionment of compensation between the petitioner and respondents No.1 to 3 was not decided. Hence, the present writ petition.

5. We have heard learned counsel for the parties.

6. It is not disputed by learned counsel for the parties that the question of apportionment of compensation has not been decided by the Tribunal. Reliance was placed upon the order dated 31.8.2013 (Annexure P-6) passed by this Court in CWP No. 18075 of 2013 under similar circumstances.

7. In view of the above, the writ petitions are disposed of with a direction to the Tribunal to decide the claim of apportionment of compensation after hearing all the interested parties and taking into consideration their respective pleas/objections expeditiously.

(AJAY KUMAR MITTAL)
JUDGE

May 18, 2015
gbs

(REKHA MITTAL)
JUDGE

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 9100 of 2014

Date of Decision: 18.5.2015

Suraj Bhan and others

....Petitioners.

Versus

Sandeep Kaur and others

...Respondents.

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

PRESENT: Mr. Hardip Singh, Advocate for the petitioners.

Mr. Balbir Singh, Advocate for respondent No.3.

Mr. M.L. Saini, Advocate for respondent No.5.

AJAY KUMAR MITTAL, J.

For orders, see **CWP No. 9061 of 2014 (Ram Krishan v.
Sandeep Kaur and others).**

**(AJAY KUMAR MITTAL)
JUDGE**

May 18, 2015
gbs

**(REKHA MITTAL)
JUDGE**