

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

**CWP No.8077 of 2015
Date of decision: 29.4.2015**

Satnam Singh and others

.....Petitioners

Vs.

**Sub Divisional Magistrate-cum-Land Acquisition Collector, Dasuya,
District Hoshiarpur and another.**

.....Respondents

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

Present: Mr. Satbir Rathore, Advocate for the petitioners.

Ajay Kumar Mittal,J.

1. Prayer in this petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of mandamus directing the respondents to pay proper compensation to the petitioners alongwith interest and statutory benefits under the Land Acquisition Act, 1894 (in short, "the Act") keeping in view the current market price of their land which was acquired in the year 1978 for public purpose i.e. for construction of food grain godowns at Village Dala (Tanda) District Hoshiarpur. Alternatively, direction has been sought to respondent No.1 to

decide the representation dated 30.12.2014, Annexure P.4 submitted by the petitioners.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The petitioners are senior citizens. Their land measuring 24 kanals 12 marlas alongwith land of other owners situated in Village Dala (Tanda) Tehsil Dasuya, District Hoshiarpur was acquired by the respondents vide notification dated 10.1.1978 for a public purpose i.e. for construction of food grain godowns at Village Dala (Tanda). All the land owners were awarded compensation vide award dated 16.4.1979. Some land owners namely Jagjit Lal, Munni Lal and others applied for reference under Section 18 of the Act which was decided by the Additional District Judge, Hoshiarpur vide judgment dated 17.10.1980. Aggrieved by the award, the land owners approached this Court by way of filing RFA Nos.225 to 228 of 1981. Vide judgment dated 21.4.1988, Annexure P.1, the compensation was enhanced to ₹ 420/- per marla besides other statutory benefits under Sections 23(1-A), 23(2) and 28 of the Act. On the basis of the said judgment, the petitioners filed application under Section 28A of the Act before the Land Acquisition Collector, Dasuya i.e. respondent No.1 for redetermination and enhancement of compensation. Vide supplementary award dated 18.1.1991, Annexure P.2, the Land Acquisition Collector redetermined/enhanced the compensation. The supplementary award was challenged by the Food Corporation of India before this Court by filing CWP No.11392 of 1991 which was admitted and stay was granted. Finally, the writ petition was dismissed by this court vide order dated 26.8.2013, Annexure P.3.

Thereafter, the petitioners approached the respondents by filing application dated 19.3.2014 for release of the entire amount and benefits awarded vide supplementary award dated 18.1.1991. When no compensation was paid as per the award, the petitioners served legal notice dated 22.7.2014 through their counsel upon the respondents. The respondents paid the enhanced compensation of ₹ 2,24,139/- each to petitioner Nos. 1 to 3 and ₹ 1,12,069/- each to petitioner Nos. 4 and 5 on 17.9.2014. According to the petitioners, the amount of enhanced compensation was to be paid in the year 1991 and the same having been paid after 24 years, just amount of compensation is required to be given. The petitioners approached respondent No.1 by moving a representation dated 30.12.2014, Annexure P.4 for making proper compensation. Having received no response, they have approached this Court through the present petition.

3. We have heard learned counsel for the petitioners.

4. Admittedly, the land was acquired in the year 1978 for public purpose i.e. for construction of food grain godowns at Village Dala (Tanda), District Hoshiarpur. Possession of the land was taken immediately thereafter. Vide award dated 16.4.1979, the compensation was awarded to the land owners. On appeal to this Court, the compensation was enhanced to ₹ 420/- per marla besides other statutory benefits vide judgment dated 21.4.1988, Annexure P.1. Thereafter, on application under Section 28A of the Act by the land owners, respondent No.1 redetermined the compensation vide supplementary award dated 18.1.1991, Annexure P.2. The FCI challenged the supplementary award by filing CWP No.11392 of 1991 in this Court which was admitted and stay was granted. The said writ petition

was dismissed by this Court vide order dated 26.8.2013, Annexure P.3 Compensation was awarded to the petitioners immediately after the passing of the award alongwith interest and other statutory benefits. Since the supplementary award was challenged by the FCI in this Court and stay was granted, enhanced compensation was delayed. Immediately after the dismissal of the writ petition filed by the FCI vide order dated 26.8.2013, the enhanced compensation was paid to the petitioners on 17.9.2014 alongwith interest and other statutory benefits. Once the enhanced compensation alongwith interest and other statutory benefits as per provisions of the Act had been paid to the petitioners, they are not entitled to any other amount as claimed by them.

5. In view of the above, finding no merit in the petition, the same is hereby dismissed.

(Ajay Kumar Mittal)
Judge

April 29, 2015
'gs'

(Rekha Mittal)
Judge