

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-13382-84-CWP-2015 in/and
RA-CW-422-2015 in CWP-2158-1992**

Date of Decision: 16.10.2015

Chhaju Ram (through LRs) & Ors. Petitioners

vs.

Special Land Acquisition
Collector, Jalandhar & Ors. Respondents

**CORAM : HONBLE MR.JUSTICE SURYA KANT
HONBLE MR.JUSTICE AMOL RATTAN SINGH**

- 1. Whether Reporters of 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. Vivek Singla, Sr. Panel Counsel, UOI

SURYA KANT J. (Oral)

(1) This review application at the instance of Union of India seeks to recall the order dated 14.03.2014 whereby the Special Land Acquisition Collector, Jalandhar was directed to pass 'supplementary award' in respect of land measuring 4 bigha 8 biswa comprising khasra No.16/19 situated in the revenue estate of village Shermajra, Tehsil and District Patiala which was acquired by the State of Punjab for the Ministry of Defence, Union of India. It was further observed in the said order that if Union of India would be aggrieved by such supplementary award, it may challenge the same before the prescribed forum in accordance with law.

(2) The review is sought on the premise that the 'supplementary award' pertains to the claim raised under Section 28-

A of the Land Acquisition Act, 1894 (since repealed) and since the

landowners had availed the remedy of 'reference' under Section 18 of that Act, hence they are not entitled to seek the benefit under Section 28-A of 1894 Act.

(3) We have gone through the written statement filed by the Union of India in the main case. There is not even a whisper regarding filing of 'Reference' under Section 18 of the Act by the landowners or the award passed thereupon.

(4) The application is totally cryptic and evasive and lacks material facts. Even on merits, we find no logic to deprive the landowners the benefit as admissible under Section 28-A when the other landowners affected by the same acquisition have got such benefit even without ventilating their cause before any appropriate forum.

(5) Dismissed.

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Since the review application has been decided on merits, no order is required to be passed in these applications which stand disposed of accordingly.

(Surya Kant)
Judge

16.10.2015
vishal shonkar

(Amol Rattan Singh)
Judge