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

**Date of decision : 17.12.2016**

**1.** **CR-8523-2016 (O&M)**

Siel Industrial Estate Ltd.

... Petitioner

Versus

State of Punjab and others

... Respondents

**2.** **CR-8529-2016 (O&M)**

Siel Industrial Estate Ltd.

... Petitioner

Versus

State of Punjab and others

... Respondents

**3.** **CR-8530-2016 (O&M)**

Siel Industrial Estate Ltd.

... Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Shailender Jain, Senior Advocate with
Mr. Deepak Jain, Advocate
for the petitioner(s).

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**AMIT RAWAL, J. (ORAL)**

This order of mine shall dispose of three revision petitions, aforementioned, whereby the petitioner(s) being the beneficiaries in view of the land acquired by State of Punjab for setting up of an Industrial Estate, is

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aggrieved of the impugned order, whereby the objections to the execution of the judgment and decree merged into the order dated 15.07.2015 (Annexure P-4) modifying the Award of the Collector (Annexure P-3) dated 12.11.2005, have been dismissed.

Mr. Shailender Jain, learned Senior Counsel assisted by Mr. Deepak Jain, learned counsel appearing on behalf of the petitioner(s) submits that the Reference Court had assessed the compensation of the land @ 1,75,000/- per acre and also granted all the statutory benefits as per the provisions of the Land Acquisition Act, 1894 (Erstwhile). The landowners and as well as the petitioner(s) filed the regular first appeals seeking enhancement and reduction, respectively, of the aforementioned amount and this Court, in various RFAs), vide order dated 15.07.2015 (Annexure P4), as indicated above, enhanced the amount of the compensation from ₹ 1,75,000/- per acre to ₹ 2,10,000/- per acre, thus, the landowners have not been granted the statutory benefits on the amount of ₹ 35,000/- per acre, under Sections 28, 23-(1A) and 23(2) of the 1894 Act and objection, in this regard, has erroneously dismissed the objections by forming a different opinion.

He further submits that as per the order of this Court, the petitioner(s) wrote a letter dated 21.01.2016 (Annexure P-5) for depositing the increased amount of the compensation, thus, the petitioner(s) is absolved of liability of payment of interest, therefore, the landowners would not be entitled to benefit of interest and as there is a compliance of the provisions of Order 21 Rule 1 CPC.

There is a specific averment in paragraph 6 of the objections that the previous execution application was satisfied as the amount was

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deposited, but as per the impugned order, it has been reopened, therefore, the impugned order under challenge is not sustainable and urges this Court for setting aside the same.

I have heard the learned counsel for the petitioner(s) and appraised the paper book.

For the sake of brevity, the operative part of the order dated 15.07.2015 of this Court, indicated above, reads as under:-

> *"From the statement of PW-9 Darshan Singh, it is evident that the acquired land of the villages in question was of inferior quality also. The sale deeds in question are with regard to small pieces of land. Hence, in the facts and circumstances of the present case, the learned Reference Court had rightly applied the cut of 50%. Thus, the market value of the acquired land was liable to be fixed at the rate of ₹ 2,10,000/- per acre instead of ₹ 1,75,000/- per acre as assessed by the Reference Court.*
>
> *Accordingly, the market value of the acquired land is assessed at ₹ 2,10,000/- per acre. The other reliefs allowed by the Reference Court are upheld and the judgment passed by the Reference Court is modified only to the extent that the market value of the acquired land is fixed at ₹ 2,10,000/- per acre instead of ₹ 1,75,000/- per acre.*
>
> *Accordingly, the appeals filed by the Industry are dismissed whereas the appeals filed by the land owners are allowed."*

In my view, the interpretation of the petitioner(s) that the landowners are not entitled to the statutory benefits qua enhanced amount, as indicated above, is wholly misplaced. There is an increase in the enhancement as the petitioner(s)-beneficiary had also filed the appeal seeking reduction of the amount, resulting into, dismissal.

During the course of the hearing, Mr. Shailender Jain, has also pointed out an order dated 04.09.2014 passed in various others identical matters, whereby the review of the order was sought, in essence, the clarification was sought whether the landowners would be entitled to the statutory benefits over and above on the amount increased or not. For the sake of brevity, the operative part of the order reads thus:-

> *"**RA-RF No.93-CI of 2014 in RFA No.4332 of 2013***
>
> *Learned counsel for the applicants-appellants has submitted that while enhancing the amount of compensation vide order dated 26.03.2014, due to inadvertence, it could not be incorporated therein that the claimants would also be entitled to all statutory benefits as permissible under law and, hence, the order in question required to be reviewed.*
>
> *There is no force in the argument raised by learned counsel for the applicants-appellants as while enhancing the amount of compensation, this Court has not disallowed the statutory benefits as envisaged under Section 23(1-A), 23(2) and 28 of the Land Acquisition Act, 1894 as allowed by the Reference Court. This Court has merely enhanced the amount of compensation whereas the other statutory benefits allowed by the Reference Court remain intact.*
>
> *In these circumstances, no ground for review is made out.*
>
> *Dismissed."*

From the plain and simple reading of the order, this Court had clearly mentioned that the other benefits granted by the Reference Court shall remain intact. An irresistible conclusion of such interpretation and even without looking into the order dated 04.09.2014, is that the landowners would be entitled to the benefits, indicated above, on the increased amount.

Accordingly, the argument of Mr. Shailender Jain, on this point

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whereby the objections have been dismissed, is hereby rejected.

As regards the other point regarding the averment taken in paragraph No.6 of the objections, though denied by the landowners and also the fact that the petitioner(s) had already deposited the enhanced amount of compensation vide letter dated 21.01.2016 *ibid,* the matter requires to be reconsidered viz-a-viz the calculations qua the interest and the satisfaction of the decree before passing of the order by this Court i.e. 15.07.2015.

Accordingly, the observations of the Objecting Court viz-a-viz aforesaid objection (Para No.6.), in my view, is hereby rendered otiose. The present revision petitions are disposed of with the aforesaid directions. However, owing to the fact that the element of interest is running, the trial Court is directed to decide the controversy, after affording the opportunity of hearing to the landowners, as expeditiously as possible within a period of four months from the receipt of the certified copy of the order, in accordance with law.

With the aforesaid observations the revision petitions stand disposed of.

**( AMIT RAWAL)**
**JUDGE**

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Whether speaking/reasoned **[✓ Yes]/ No**

Whether Reportable **Yes/ [✓ No]**

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