

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

CWP No.11916 of 2015
Date of decision: March 01, 2016

Pardeep Kumar

.....Petitioner

vs.

**Tribunal, Improvement Trust, Jalandhar through its President and
others**

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE RAJ RAHUL GARG**

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. Harsh Bungar, Advocate for the petitioner.

Ms. Sudeepti Sharma, DAG, Punjab.

Mr. Sandeep Khunger, Advocate for the Improvement
Trust, Jalandhar.

Ajay Kumar Mittal, J.

1. The petitioner prays for quashing the order dated 13.10.2012, Annexure P.1 passed by the President Tribunal, Improvement Trust, Jalandhar to the extent that adequate compensation for the land has not been granted and only meager compensation of ₹ 15000/- per marla upto the depth of 240 feet from the GT road and ₹ 12000/- per marla for the remaining land has been granted. Further

prayer has been made for modification of the award dated 13.10.2012, Annexure P.1 by enhancing the compensation to the extent of ₹ 60,000/- per marla alongwith interest and other statutory benefits.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The Improvement Trust, Jalandhar issued first publication of notice under Section 36 of the Punjab Town Improvement Trust Act, 1922 (in short, “the Act”) in respect of its scheme on 29.10.1993 in the Government Gazette. The scheme was sanctioned by the State Government under section 42 of the Act vide notification dated 20.10.1994. The entire scheme area of 94.5 acres was situated in close proximity of the township of Jalandhar city as well as Jalandhar Cantt. The location was on the GT road bye pass near Village Lamba Pind, Jalandhar. The land at the time of acquisition was of very high value as it was not only abutting GT road, bye pass but was also within the municipal limits of Jalandhar and in close proximity of the inhabited localities of the town. The chunk of land owned by the petitioner was adjoining catholic church and Christian school. The land Acquisition Collector passed award on 18.10.1996. After excluding the land owned by Municipal Corporation and other exempted areas, the Collector relied upon letter dated 11.4.1996 sent by the State Government, revenue department whereby the Government approved Collector's rates at the rate of ₹ 12000/- per marla for land abutting GT road bye pass and ₹ 10,000/- for the remaining land of Village Lamba Pind, Jalandhar. The Collector

merely granted the same compensation as was fixed in the letter dated 11.4.1996. Aggrieved by the award, the petitioner filed petition before the Tribunal constituted under Section 60 of the Act for grant of market value at the rate of 60,000/- per marla. Respondent No.1 clubbed all the land references including the one filed by the petitioner and decided all of them vide award dated 1.3.2007. Earlier the decision was rendered by the Additional District Judge Jalandhar alone while discharging duties as President of the Tribunal. Aggrieved by the order, CWP No.9818 of 2007 was filed before this court which was heard alongwith other bunch of cases and vide order dated 7.8.2008, the said writ petitions were disposed of and the award passed by the President alone was set aside as having been suffering from the vice of coram non judice. All the cases were remanded back for fresh consideration directing the State Government to constitute Tribunal strictly in terms of Section 60 of the Act. After remand, the Tribunal merely repeated the same decision vide award dated 13.10.2012, Annexure P.1. Aggrieved by the award, various writ petitions were filed in this court, the main bearing CWP No.3980 of 2013, ***Prem Kumar vs. Tribunal Improvement Trust, Jalandhar and others***, which was disposed of, vide order dated 31.10.2013, Annexure P.2 modifying the award to the extent that compensation for the land abutting the bye pass was assessed at ₹ 16,080/- per marla and of the remaining land at the rate of ₹ 13,400/- per marla alongwith all statutory benefits under sections 23 and 28 of the Land Acquisition Act, 1894 on the difference of the

market value of acquired land over and above the compensation awarded by the Tribunal. Hence the instant writ petition by the petitioner.

3. We have heard learned counsel for the parties.

4. Learned counsel for the petitioner states that the petition may be disposed of in terms of the order dated 31.10.2013 passed by this Court in *Prem Singh's* case (supra) wherein, in respect of the same award dated 13.10.2012, after considering the relevant statutory provisions and the case law on the point, it was concluded as under:-

“39. In view of our discussion above, the writ petitions filed by the claimants are partly allowed. The award of the Tribunal dated 13.10.2012 is modified to the extent that compensation for the land abutting the bye-pass (240'x2265') is assessed @ Rs.16,080/- per marla and of the remaining land @ Rs.13,400/- per marla with all statutory benefits under Sections 23 and 28 of the Land Acquisition Act, on the difference of the market value of acquired land over and above the compensation awarded by the Tribunal.”

5. Learned counsel for the respondents were unable to dispute the above said decision. Consequently, the petition is disposed of in the same terms as in *Prem Kumar's* case (supra).

(Ajay Kumar Mittal)
Judge

March 01, 2016
'gs'

(Raj Rahul Garg)
Judge