IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

204 **Civil Writ Petition No.25532 of 2013**
Date of Decision:28.03.2016

M/s Makhan Lal Hem Raj ....petitioner

Versus

The State of Punjab and others .....respondents

(2) **Civil Writ Petition No.1785 of 2014**

M/s Prem Kumar Darshan Kumar and others ....petitioners

Versus

The State of Punjab and others .....respondents

CORAM: HON'BLE MR.JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI

1.Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.Rahul Sharma-I, Advocate
for the petitioners

Mr.Gurvinder Singh, Additional Advocate General, Punjab

Mr.Sanjeev Sharma, Advocate
for respondents No.2 to 4

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S.J.VAZIFDAR, ACTING CHIEF JUSTICE (ORAL):

This order shall dispose of Civil Writ Petition Nos.25532 of 2013 and 1785 of 2014.

The petitioners have challenged the order of revisional authority dated 12.03.2013 rejecting their application for revision of the order of the appellate authority dated 27.09.2012, which, in turn had upheld the decision of the Punjab State Agricultural Marketing Board demanding enhanced compensation from the petitioners at ₹ 8319 per square yard.

The petitioners were allottees of premises in the New Grain Market, Rampura Phul, District Bathinda. Their entitlement to the premises is not in question. The letters of allotment in the case of each of the petitioners contained the following clause:

> *"In case of enhancement cost of land in acquisition etc.allottee shall be liable to be pay the same within sixty days from the date of the demand notice."*

The petitioners do not deny their liability to pay the enhanced compensation. Their grievance is that the respondents have not even furnished them the basis on which the demand has been made. In other words, they question only the quantum of the enhanced compensation claimed by the respondents.

By an interim order dated 05.05.2015, a Division Bench of this Court, adjourned the matter to enable the learned counsel appearing on behalf of the State of Punjab to seek instructions as to how an additional demand had been calculated when the enhancement was made from ₹ 225 to ₹ 235 per square yard only in the Award Annexpure P11.

The impugned orders merely state that the respondents had deposited a sum of about ₹ 16.32 crores in different courts on account of the acquisition of land for the New Grain Market, Rampura Phul and accordingly, the enhanced compensation had been worked out to ₹ 8319 per square yard. That is not sufficient. It was necessary for the authorities who passed the impugned orders to have ascertained the nature of payment, the dates of the payments and the mode and manner of apportionment of the enhanced compensation in respect of each of the petitioners.

In the circumstances, the impugned orders are set aside. The revisional authority shall decide the matter afresh after seeking from the respondents further and better particulars, inter alia, as indicated above and affording the parties an opportunity of being heard in respect thereto. It is reiterated that the liability to pay the compensation is admitted and is not questioned.

The petitions are accordingly disposed of.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(ARUN PALLI)
JUDGE

March 28, 2016
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