

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 3838 of 2016

Date of Decision: 7.4.2016

Swaran Kaur and another

....Petitioners.

Versus

Amritsar Improvement Trust, Amritsar and others

...Respondents.

1. Whether the Reporters of the 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?

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

PRESENT: Mr. Vinod K. Kaushal, Advocate for the petitioners.

Mr. Ashok Arora, Advocate for respondents No.1 and 2.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of certiorari for quashing/modifying the award dated 5.8.2011 (Annexure P-2) passed by respondent No.3 upholding the compensation awarded by the Land Acquisition Collector of the land acquired by respondents No.1 and 2. Further, a writ of mandamus has been sought for enhancing the compensation amount for the acquired land, superstructure, trees etc. with all statutory benefits.

2. The petitioners were owners of the land measuring 5 kanal 9 marlas situated at village Sultanwind, Sub Urban, Tehsil and District

Amritsar. The Improvement Trust, Amritsar (hereinafter referred to as “the Trust”) proposed to float a Development Scheme, namely, 340 Acres Amritsar-Jalandhar GT Road Development Scheme (for brevity “the Scheme”) for which it was decided to acquire the land measuring 340 acres. The public notice dated 6.1.1995 was issued under Section 36 of the Punjab Town Improvement Act, 1922 (for short “the Act”). The Scheme was finally approved and sanctioned by the Punjab Government vide notification dated 17.1.1996 issued under Section 41 of the Act. The land of the petitioners was also acquired in the said Scheme. The award dated 16.1.1998 (Annexure P-1) of the acquired land was passed. The Land Acquisition Collector-respondent No.2 bifurcated the land of village Sultanwind into two parts and granted compensation @ ₹ 15,00,000/- per acre for the land abutting GT Road approximately one acre and ₹ 13,00,000/- per acre for land beyond one acre from GT Road and further awarded ₹ 10,50,000/- per acre for all kinds of land of village Vallah. Respondent No.2 further awarded a sum of ₹ 4,28,79,273/- for 72 structures, ₹ 73,717/- for wells, ₹ 2,92,344/- for tubewells and ₹ 4,24,500/- for trees in all to all the land owners. Being dissatisfied with the award, the petitioners filed references under Section 18 of the Land Acquisition Act, 1894. Respondent No.2 forwarded the said references to the Land Acquisition Tribunal, Amritsar Improvement Trust, Amritsar (in short “the Tribunal”). The Tribunal vide award dated 5.8.2011 (Annexure P-2) upheld the award passed by respondent No.2. Hence, the present writ petition.

3. We have heard learned counsel for the parties.

4. Learned counsel for the petitioners states that the issue involved in this writ petition is fully covered by the decision dated

23.7.2014 (Annexure P-3) passed in **CWP No. 18456 of 2013 (Harnam Dass and another v. Amritsar Improvement Trust, Amritsar and others)**, whereby this Court while remanding the matter to the Tribunal for re-determination of the fair and just market value of the acquired land had recorded as under:-

“17. For the reasons aforesaid, we allow these petitions in part, set aside the impugned award dated 05.08.2011 and remit the case to the Tribunal for re-determination of the fair and just market value of the acquired land as on the relevant date and keeping in view the observations made hereinabove.”

5. Disposed of in terms of CWP No. 18456 of 2013.

(AJAY KUMAR MITTAL)
JUDGE

April 7, 2016
gbs

(RAJ RAHUL GARG)
JUDGE