

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

CWP No. 6 of 2002 (O&M)

Date of decision : 25.4.2017

Chhinder Kaur and another

.. Petitioners

VS

Improvement Trust, Moga, and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Harinder Singh Sidhu**

Present: None for the petitioners.

Mr. Ajay Pal Singh, Advocate, for respondent no. 1.

Ms. Munisha Gandhi, Addl. Advocate General, Punjab with
Mr. Sandeep Kumar Bansal, Asstt. Advocate General, Punjab.

Rajesh Bindal, J.

The landowners have filed the present writ petition seeking quashing of award dated 1.2.2000 (Annexure P-5), passed by the President, Land Acquisition Tribunal, Faridkot (for short, 'the Tribunal').

Briefly, the facts of the case are that the Improvement Trust, Moga (hereinafter referred to as, 'the Trust') acquired land measuring 123 kanals 2 marlas for Truck Stand. Notices for acquisition of the land were issued on 10.1.1975 and 18.12.1975 under Sections 36 and 42 of the Punjab Town Improvement Act, 1922 (hereinafter referred to as, '1922 Act'). The Land Acquisition Collector, Improvement Trust, Moga, (for short, 'the Collector'), passed the Award dated 22.2.1984 awarding compensation for the acquired land @ ₹562.50 per marla along with statutory benefits of solatium. On reference under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as, 'the Act'), the Tribunal, Faridkot, vide Award

dated 16.1.1997 enhanced the compensation for the acquired land @ ₹827/- per marla along with statutory benefits under Section 23 (1-A) of the Act. The award of the Tribunal was challenged before this Court in CWP Nos. 5499 and 6484 of 1997 and vide order dated 6.3.1998, the same was set aside as it was passed only by the President of the Tribunal and not by the Tribunal. The case was remitted back for fresh decision. The Tribunal again passed the Award dated 1.2.2000, awarding compensation for the acquired land @ ₹827/- per marla with statutory benefits. This award has been impugned in the present writ petition by the landowners.

At the time of hearing, no one has appeared for the petitioners.

Learned counsel for the respondents very fairly submitted that the issue raised in the present writ petition is squarely covered by a Division Bench judgment of this Court in CWP No. 10454 of 2000 - Jarnail Singh and others vs The improvement Trust, Moga and another decided on 29.11.2013, whereby the compensation for the land acquired vide same notification was further enhanced to ₹1200/- per marla along with statutory benefits under Section 23 (1-A) (2) and 28 of the Act.

Accordingly for the reasons recorded in Jarnail Singh's case (supra), the present writ petition is allowed in the same terms. As no one has appeared for the petitioners, let a copy of the order be sent to the petitioners.

(Rajesh Bindal)
Judge

25.4.2017
vs

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No