

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

CWP No. 8704 of 1999 (O&M)

Date of decision: 17.4.2017

Gurnam Singh and others

.. Petitioners

VS

Union of India and others

.. Respondents

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

Present: Mr. P. S. Chauhan, Advocate for
 Mr. V. K. Kataria, Advocate, for the petitioners.

 Mr. R. S. Longia, Advocate for
 Mr. P. K. Longia, Advocate, for Union of India.

Rajesh Bindal, J.

This order will dispose of two writ petitions bearing CWP Nos. 8704 and 15834 of 1999, as same arise out of common award.

In CWP No. 8704 of 1999, filed by the landowners, the petitioners are seeking a direction to the respondents to pay the compensation in view of the award passed by the Special Land Acquisition Collector. Jalandhar (for short, 'the Collector'), in an application filed by the petitioners therein, under Section 28-A of the Land acquisition Act, 1894 (for short, 'the Act').

In CWP No. 15834 of 1999, filed by Union of India, challenge has been made to the award passed by the Collector on the ground that the Collector could not have granted the statutory benefits in an application filed under Section 28-A of the Act, when amount of compensation as such was not enhanced.

We do not find any merit in the submissions made by learned counsel for Union of India. The application was filed by the landowners under Section 28-A of the Act seeking parity in the amount of compensation awarded after the judgment of the reference Court passed in the case of other landowners. Though the claim was made for re-determination of compensation in terms thereof, however, even if the Collector did not find any reason to award that amount, but keeping in view the fact that the Reference Court had awarded benefits of amended provisions of the Act in the form of enhanced statutory benefits and the same having been granted by the Collector to the landowners herein, we do not find that any case is made out for interference in the present writ petition. Hence, writ petition filed by Union of India is dismissed. As a consequence thereof, writ petition filed by the landowners seeking payment of compensation as determined by the Collector, deserves to be allowed. Ordered accordingly. The respondents therein are directed to pay the amount of compensation to the petitioners within a period of three months from the date of receipt of copy of the order, if not already paid.

(Rajesh Bindal)
Judge

17.4.2017
vs

(Harinder Singh Sidhu)
Judge

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