

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 4685 of 2016 (O&M)
Date of decision: 30.3.2017

Suraj Bhan and others

.. Petitioners

v.

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Hardip Singh, Advocate for the petitioners.
Ms. Munisha Gandhi, Addl. Advocate General, Punjab with
Mr. Sandeep Kumar Bansal, Assistant Advocate General,
Punjab.
Mr. K.K. Gupta, Advocate for respondents No. 2 and 3.

...

Rajesh Bindal J.

The land in question was acquired by Improvement Trust, Patiala. The petitioners have filed the present petition seeking modification of the award dated 7.3.2013 passed by Land Acquisition Tribunal, Patiala (for short, 'the Tribunal'), whereby it failed to decide issue No. 3 on merits regarding valuation of the land. Challenge has also been made to the order

dated 8.2.2016, whereby the review application filed against the aforesaid award of the Tribunal was dismissed.

Learned counsel for the petitioners submitted that the land, building and fruit bearing trees standing therein were acquired vide notification dated 12.12.1998 issued under Section 36 of the Punjab Town Improvement Act, 1922. The Land Acquisition Collector vide award dated 29.11.2001 awarded compensation for the acquired land @ ₹ 214/- per square yard while separate compensation was assessed for the structures and trees on the spot. Not satisfied with the compensation awarded, the landowners filed objections under Section 18 of the Land Acquisition Act, 1894, which were referred to the Tribunal. The Tribunal decided the issue regarding valuation of land in Land Reference No. 6 of 10.10.2003 decided on 28.9.2012, titled as "Jaswant Singh v. Improvement Trust and others". The petitioners' case was being dealt with separately as the issue of apportionment of compensation was there. The issues were framed regarding valuation of land, trees and structure and also regarding right of the parties to receive the compensation. Issue No. 3 was regarding valuation of land, trees and super structure. While deciding the issue, though reference by the Tribunal was made to its earlier decision in Jaswant Singh's case (supra), however, finally it was held that the issue had become redundant, whereas it was required to be decided in terms thereof. There was another error in the award, where one of the khasra number was wrongly mentioned as 3265/1069 (1-0), whereas the correct khasra number is 3265/1059 (1-0). The review application was filed. The same was also dismissed without appreciating the issue raised.

As regards valuation of the acquired land or the super-structure

is concerned, the claim is now settled by the judgment of this court in CWP No. 1322 of 2013—Sunil Khosla v. State of Punjab and others, decided on 30.9.2013, which was upheld by Hon'ble the Supreme Court in SLP (C) No. 4654 of 2015—Manjit Singh v. Collector, Land Acquisition Improvement Trust Patiala Camp at Ludhiana and others, decided on 20.3.2015.

The submission is that the petitioners are entitled to the same amount of compensation, as has been determined by this court in Sunil Khosla's case (supra).

Learned counsel for respondents No. 2 and 3 did not dispute the fact as regards assessment of compensation pertaining to same acquisition. He further did not dispute the fact that there is error in mentioning khasra No. 3265/1069 (1-0) instead of khasra No. 3265/1059 (1-0).

After hearing learned counsel for the parties and considering the submissions made above, in our opinion, there was error in the award of the Tribunal, whereby the issue regarding determination of compensation was held to be redundant, whereas the claim of the petitioners should have been decided in the light of the award already passed. It is not in dispute that assessment of compensation pertaining to same acquisition has now attained finality, as judgment of this Court in Sunil Khosla's case (supra) has been upheld by Hon'ble the Supreme Court. Further, learned counsel for respondents No. 2 and 3 has not disputed the fact that there is error in noticing khasra No. 3265/1069 (1-0) in the award as the correct khasra No. is 3265/1059 (1-0).

Accordingly, the impugned award of the Tribunal is modified to the extent that the petitioners shall be entitled to compensation as

determined in Sunil Khosla's case (supra). Khasra No. 3265/1069 (1-0) in the impugned award in para No. 26 shall be read as khasra No. 3265/1059 (1-0).

The writ petition stands disposed of accordingly.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

30.3.2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No