

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

208

CR-8348-2015

Date of Decision: December 06, 2018

Harbhajan Singh (now deceased)Petitioner(s)
through LRs.

versus

Ludhiana Improvement Trust and anotherRespondent(s)

CORAM: HON'BLE MR.JUSTICE RAJ MOHAN SINGH

Present: Mr. Sham Lal Bhalla, Advocate for the petitioner(s).

Mr. Neeraj Sharma, Advocate and
Mr. Sandeep Kumar, Advocate
for the respondent-Trust.

Raj Mohan Singh, J. (Oral)

The petitioner has assailed the order dated 06.09.2014 vide which the calculations made by the petitioner on the basis of award passed in **CWP No.5586 of 1990** were declined and only a sum of Rs.2,76,816.52 was ordered to be paid to the petitioner. The award made in favour of the co-sharer/writ petitioners was not made applicable to the case of the petitioner solely on the ground that the petitioner did not file any such writ petition in the Punjab & Haryana High Court and the order was confined to the writ petitioners only.

In **CWP No.5586 of 1990** and **CWP 5787 of 1987,**

compensation was enhanced @ Rs. 20/- per square yard along with benefits under amended provisions of Land Acquisition Act. The said relief was declined to the petitioner for the reason that the petitioner was not party to the said writ petition.

Learned counsel for the petitioner relies upon judgment passed in ***Samiyathal and others Vs. Spl. Tahsildar and others, 2015(2)R.C.R(Civil)441*** to contend that in case of filing writ petition by some of the co-sharers and enhancement made thereunder would also apply to the similarly situated co-sharers like the petitioner.

Para No. 12 of the aforesaid Judgment reads as under:-

“ We further direct the respondents and the State of Tamil Nadu to pay the same amount of compensation to other landowners whose land was acquired by notification dated 22.05.1991, but who may have on account of ignorance, poverty and other similar handicaps, not been able to approach the Reference Court or may not have been able to contest the matter before the High Court and this Court. The needful be done in respect of other landowners within a period of six months. This direction has been given in exercise of the power vested in this Court under Article 142 of the Constitution.”

Learned counsel for respondent could not refute the ratio of aforesaid Judgment with reference to any precedent on record.

For the reasons recorded hereinabove, I deem it appropriate to set aside the impugned order to the extent of not

treating the petitioner at par with others who had filed the aforesaid writ petition in the Punjab & Haryana High Court. The award of enhanced compensation made in the aforesaid writ petition would also apply to the case of the petitioner as the aforesaid writ petitions had arisen out of the same acquisition proceedings.

This Revision Petition is allowed. The impugned order dated 06.09.2014 is set aside. Normal consequences to follow.

December 06, 2018

sonia arora

**[RAJ MOHAN SINGH]
JUDGE**

Whether speaking/reasoned : Yes

Whether Reportable : Yes/No