

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

**Civil Writ Petition No.25636 of 2018
Decided on : 05.12.2018**

Mohinder Singh @ Mohinder Kaushal and others

... Petitioners

Versus

Tribunal, Improvement Trust, Jalandhar and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Harsh Bungler, Advocate for the petitioners.

Mr. Sandeep Khunger, Advocate
for respondents No.3 and 4.

G.S. Sandhawalia, J. (Oral)

The petitioners seek the benefit of same compensation as awarded by the Division Bench in **CWP No.1058 of 2014 'Prem Nath and another Vs. Tribunal Improvement Trust, Jalandhar through its President and others'** decided on 26.10.2016 (Annexure P-3).

While issuing notice of motion on 05.10.2018, following contention of the counsel for the petitioners was noticed, which reads as under:-

*“Inter alia submits that the petitioners are entitled for benefits as per the judgment dated 26.10.2016 passed in **CWP No.1058 of 2014 'Prem Nath & another Vs. Tribunal Improvement Trust, Jalandhar & others'** and other connected cases (Annexure P-3), whereby the market value has been fixed @ ₹32,942/- per marla i.e. ₹52,70,720/- per acre. It is submitted that the Improvement Trust Tribunal had not granted any benefits, vide the judgment dated 27.05.2013 (Annexure P-2) against the amount of ₹24,000/- per marla*

awarded by the Land Acquisition Collector.”

The only objection Mr. Khunger could raise that in similar circumstances in **CWP No.25924 of 2017 'Darshan Singh Vs. Tribunal, Improvement Trust, Jalandhar and others'** decided on 16.11.2017, the benefit of interest was not granted for a period of one year from the date of the passing of the impugned award. The order passed in the said case reads as under:-

“Learned counsel for the parties are ad idem that the matter in issue is squarely covered by an order and judgment, dated 26.10.2016, rendered in CWP No.1058 of 2014 [Prem Nath and another v. Tribunal Improvement Trust, Jalandhar through its President and others], vide which in the petitions arising out of the same acquisition, this Court had enhanced the compensation awarded to the claimant-landowners. Therefore, the petitioner, in the present lis, too shall be entitled to the same compensation.

However, it is conceded by the learned counsel for the petitioner that the impugned award, dated 25.03.2016, was rendered almost 01 year & 07 months ago by the Reference Court. And, no explanation has been rendered either to explain the delay in filing this petition. It appears that the petition at hands has possibly been filed encouraged by the decision of this Court in Prem Nath’s case (supra), vide which enhancement was awarded to the claimants.

In conspectus of the above, the petition is disposed of in terms of the decision of this Court in Prem Nath’s case (supra). Needless to assert that petitioner shall also be entitled to all the statutory benefits as admissible in law. However, he shall not be entitled to any interest on the enhanced compensation for a period of one year from the date of passing of the impugned award.”

Accordingly, the present writ petition is allowed and the petitioners are also granted the benefit of enhanced compensation in terms of **Prem Nath's case (supra)**. The interest element will be denied for a period of one year from the date of the passing of the impugned award.

DECEMBER 05, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>