

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

**RSA No.315 of 2017 (O&M)
Date of Order:15.10.2018**

Punjab Leather Federation

..Appellant

Versus

**The Chief Secretary to Government of Punjab
and others**

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. D.V.Sharma, Sr. Advocate, with
Ms. Shivani Sharma, Advocate,
for the appellant.

ANIL KSHETARPAL, J(Oral)

Plaintiff no.1-appellant, which is a federation of industrialists are misusing the process of court. In the allotment letter, price of the plot allotted to them were clearly indicated to be tentative, dependent upon the increase in the compensation payable for compulsory acquisition of the aforesaid land. Initially when demand notice was given, petitioners filed a writ petition in this court challenging the aforesaid demand notice.

This court vide order dated 03.11.2003, directed constitution of a high powered committee to look into the matter and granted liberty to the members of the appellant-federation to file a representation, which would be considered by the committee and an order would be passed thereafter. It is not in dispute that the committee considered all objections raised by the

members of the appellant-federation and passed a a detailed order Ex.D2. This order passed by the committee was once again challenged before the Civil Court.

Both the courts on appreciation of evidence have found that the calculation made by the respondents has already been examined by the committee and found it to be correct. It has been found that the demand from the persons who were allotted land subsequently @ Rs.250/- per square yard, has not been made. Enhancement of the price has been demanded only from the persons who had not paid the revised price worked out on the basis of enhancement of the compensation payable to the land owners whose land was acquired.

Learned senior counsel appearing for the appellant while drawing attention of the court to page 33 of the paper book has submitted that the Chief Secretary and the Principal Secretary, Finance were not available on 27.11.2003. However, on reading of the order passed, it is apparent that the defendants have not concealed this fact from the court and has mentioned in the order that they were not present. The committee after considering all aspects of the matter have passed a well reasoned order considering each and every objection raised by the members of the federation. The report prepared is duly signed by all the members of the Committee. Even if 2 members of the committee were not present at the time of 1 meeting, the order passed by them jointly would not become illegal.

It is well settled that if allotment of land is made by a government owned Federation/Corporation clearly indicating that the price being charged is tentative subject to revision by the court, the allottees are

bound to pay the aforesaid amount. The objections which have been raised by the members of the appellant-federation had already been considered in detail by the committee and learned counsel for the appellant could not point out any error in the calculation made by the committee.

Hence, this court does not find any good ground to interfere.

The regular second appeal is dismissed.

October 15, 2018
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(ANIL KSHETARPAL)
JUDGE

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