

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

CWP-19109-2020

Date of Decision: 11.11.2020

Niranjan Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice S.N. Satyanarayana

CORAM : Hon'ble Mrs. Justice Archana Puri

Present : Mr. P.S. Khurana, Advocate
for the petitioners.

S.N. SATYANARAYANA, J.(Oral)

The matter has been taken up through video conferencing in the light of the COVID-19 pandemic.

The petitioners are seeking writ of certiorari to quash the award passed in case No. 3 of 1964-65 dated 31.03.1965 passed by the Land Acquisition Collector, Ludhiana Improvement Trust, Ludhiana and various other reliefs.

Notice of motion.

Mr. Pankaj Gupta, Additional Advocate General, Punjab takes notice on behalf of respondents No.1 and 2.

We notice a glaring error committed by the petitioners, which appears to be an intentional one, where it is stated that the petitioners are in possession of the land and they have not received compensation whereas the judgment rendered by learned Single Bench of this Court in RSA-877-1998, which is decided on 31.05.2000 commencing from page No. 96 vide Annexure P-11 would clearly indicates that at page No. 99:-

“Sub-Judge Ist Class, Ludhiana vide order dated 16.08.1988 dismissed the plaintiff's suit, in view of his findings, that the award with respect to the suit property was given on 31.03.1965. Possession of the suit property was delivered to the Trust by Land Acquisition Collector. Plaintiff received compensation of the land acquired on 8.2.1966 and the plaintiff received the enhanced compensation also. Plaintiff also admitted the receipt of compensation from the Trust. It was found that no injunction could be granted to the plaintiff when he had received compensation for the land acquired and he had accepted the compensation. It was found that no relief could be granted to him with regard to plots No.173 and 174 as he had not sought any declaration with regard to plots No. 173 and 174 alleged to have been allotted to him by the Improvement Trust. It was found that he had failed to establish his title with respect to these plots”

In the aforesaid circumstance, we find that the statement of the petitioner is misleading and contrary to the finding of learned Single Judge, passed in RSA-877 of 1998 and that too, it is with reference to an acquisition which is completed in year 1965, where compensation is also taken in the year 1966 and subsequently, additional compensation is also considered and paid.

In that view of matter, the present writ petition is nothing but abuse of the process of law and accordingly the same is dismissed by imposing costs of Rs. 10,000/- payable to the Registry.

(S.N. SATYANARAYANA)
JUDGE

(ARCHANA PURI)
JUDGE

11.11.2020

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No