

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

110

CR-753-2019

Date of decision: 14.12.2022

THE IMPROVEMENT TRUST PATIALA

..Petitioner

Versus

JARNAIL SINGH (DECEASED) THROUGH LRS.

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Kavita Arora, Advocate
for the petitioner.

Mr. Harminder Singh, Advocate
for respondent No.1(i).

ANIL KSHETARPAL, J(Oral)

This revision petition has been filed challenging the impugned order dated 18.10.2018 passed by the Executing Court. Pursuant to the involuntary acquisition of land under Town Improvement Act, 1922, some amount of compensation is required to be paid to the landowners who stand deprived of the land. The assessment of market value of the acquired land at the rate of Rs.900/- per sq. yard has already become final. The only dispute in the present revision petition is “Whether the additional amount which is payable under Section 23(1-A) of the Land Acquisition Act, 1894 (hereinafter referred to as the '1894 Act') is required to be calculated upon the market value as determined under Section 23(1) or on the total amount assessed including the component of solatium payable under section 23(2) of the 1894 Act?”

The learned counsel representing the petitioner contends that first of all, the additional amount payable under Section 23(1-A) of the 1894 Act is required to be calculated on the market value assessed by the LAC or the Reference Court, and then the amount of solatium is assessed by the

Court on the component of market value of the acquired land assessed under Section 23(1) (Clause First) excluding the additional amount. She relies upon a judgment passed by the Supreme Court in *State of Punjab Vs. Amarjit Singh and another, 2012(4) RCR (Civil) 358.*

The learned counsel representing the respondent does not dispute the aforesaid legal position, however, he submits that this matter purely involves calculations which can be, conveniently, carried out by the Executing Court.

Keeping in view the aforesaid undisputed position, the Executing Court is requested to re-calculate the amount due while calculating the component of solatium on the market value as assessed under section 23(1) (Clause First) while excluding the benefits payable under Section 23(1-A) of the 1894 Act.

With these observations, the petition is disposed of.

Let the calculation be carried out within a period of 15 days from the date of receipt of certified copy of the order.

All the pending miscellaneous applications, if any, are also disposed of.

December 14th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

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