

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. **LPA-137-2023(O&M)**
Date of decision: 09.02.2023

Swarn Singh
... Appellant

Versus

State of Punjab and others
... Respondents

2. **LPA-141-2023(O&M)**

Mandeep Singh
... Appellant

Versus

State of Punjab and others
... Respondents

**CORAM: HON’BLE MR. JUSTICE RAVI SHANKER JHA,
CHIEF JUSTICE
HON’BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Vikas Bali, Advocate,
for the appellant(s).

ARUN PALLI, J.

These intra-court appeals, under Clause X of the Letters Patent, have been filed against a common order and judgment dated 11.01.2023, vide which the petitions filed by the appellant(s) were dismissed.

Learned counsel for the appellant(s) has merely reiterated the submissions that were advanced before the learned Single Judge: that vide notification, dated 04.08.1995, under Section 4 read with Section 17 of the Land Acquisition Act, 1894 (for short, ‘the Act’), a land measuring 98 acres, situated in village Kartarpur-IV, Sub Tehsil Kartarpur, District Jalandhar,

was sought to be acquired for the construction of 400/220 KV Sub Station

by the Power Grid Corporation of India Ltd. (hereinafter referred to as, 'the Corporation'). The Collector, vide award dated 26.03.1997, while evaluating the market price of the acquired land observed that owing to compulsory acquisition of the landholdings of the claimants, they had lost their only source of livelihood. And the Government vide its notification dated 23.10.1996, had desired that Corporation be asked to employ one member from each of the family whose land was acquired. Accordingly, the Collector had directed the Corporation to employ one member from each of the family whose land was acquired.

It is urged that in the appeals preferred by the claimant-landowners against the award rendered by the Reference Court, this Court vide its order and judgment dated 02.07.2019, passed in RFA-1654-2004 (**Kartar Singh & others v. Secy to Govt of Punjab & others**), not only enhanced the compensation but also affirmed the observation/direction issued by the Collector to the Corporation to comply with the instructions issued by the Government. Thus, he asserts, the learned Single Judge erred in declining the claim of the appellants.

We have heard learned counsel for the appellant(s) and perused the records.

As observed even by the learned Single Judge, the Collector while assessing the market value of the acquired land under the Act had no right, power or authority to direct the beneficiary of the acquisition to provide job/employment to one of the family members of each of the claimant-landowners. Thus, the direction issued by the Collector to the Corporation could at best be termed as suggestive in nature. Even the

notification dated 23.10.1996, on the basis whereof the Collector had issued a direction to the Corporation, and which forms basis of the claim of the appellants, does not form part of the record. The argument that this Court while examining the grievance of the claimant-landowners for enhancement of the compensation had also affirmed the direction issued by the Collector to provide employment to one family member of the aggrieved landowners, is equally misconceived. Ex facie, this Court while narrating the factual matrix had merely observed that the Collector while passing the award had noticed that Punjab Government had desired the Corporation to provide employment to one member from each of the aggrieved families, and directions in this regard had also been issued. Suffice it to say that neither any such question was directly and substantially in issue in those proceedings nor this Court had any occasion to examine and affirm any such direction issued by the Collector. Further, as observed by the learned Single Judge, the Collector had made an award over two decades ago on 26.03.1997, thus, the petitions filed by the appellants, after more than 25 years, suffered from a gross, inordinate and unexplained delay.

In the wake of the position, as sketched out above, we are dissuaded to interfere with the impugned order and judgment rendered by the learned Single Judge. The appeal being bereft of merit is, accordingly, dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

09.02.2023

Rajan