

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RA-CW-141-2017
IN CWP-13332-1994
Date of Decision : 22.11.2023

Balwant Singh Gupta and OthersApplicant.

VERSUS

The Tribunal Improvement Trust and AnotherRespondents

**CORAM : HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Ajay Jain, Advocate for the applicants. .

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SURESHWAR THAKUR, J. (Oral)

1. No one has put in appearance on behalf of the respondents, despite being served. Therefore, they are proceeded against ex-parte.
2. Through, the instant application, applicant claims modification of the verdict rendered by this Court on 06.02.2014, upon, Civil Writ Petition No.13332 of 1994.
3. Learned counsel appearing on behalf of the applicant-petitioner argues that the present application is maintainable, as the operative of the verdict recorded by this Court, operative part whereof stands extracted hereinafter, though allows the land losers petition, besides dismisses the petition filed by the Improvement Trust:-

“ *In the case in hand, the acquisition is of a small chunk of land measuring 11 kanals and 16 marlas. The same had been acquired for Lajpat Rai Market The Presiding Officer of the*

Tribunal, in his opinion, has noticed the fact that even if the land pertaining to earlier acquisition was located on Delhi-Hissar road, the location of the acquired land was not less potential as it is located close to the abadi of Hansi town, hence, in pur opinion, there is no error in placing reliance on the earlier award pertaining to the acquisition of land for Modern Market called Indira Marko Development Scheme, which was one year and eight months prior to acquisition in question. While assessing the compensation based thereon, the Presiding Officer of the Tribunal assessed the compensation for the entire land@180/- per square yard, as for the earlier acquisition, this court in Balwant Singh's case (supra) had assessed the compensation@ 150/- per square yard for the entire chunk of 45 kanals and 6 marlas of land The belting system was done away with. In our view, the opinion expressec by the Presiding Officer of the Tribunal was more reasonable as compared to the Assessors, who had assessed the value @ 160/- and 75/- per square yard for two different categories of land. In the process, the Assessors lost sight of the settled principles of law regarding assessment of value of the land, which is fit for urbanisation and is located within the municipal limits. The fact that the acquired land was a small

RA-CW-141-2017
IN CWP-13332-1994

-3-

piece of 11 kanals and 16 marlas was also not taken into consideration.

For the reasons mentioned above, the writ petitions filed by the landowners are allowed, whereas the petition filed by Improvement Trust is dismissed. The landowners are held entitled to compensation @180/- per square yard for the entire chunk of land. The opinion expressed by the President of the Tribunal is accepted and that of the Assessors is set aside. They shall also be entitled to all statutory benefits available to them under the Act. The impugned award is modified to the extent indicated above.”

Therefore, he argues that all the benefits which were granted to the present petitioners through Annexure P-3, benefits whereof, are spelt in the relief portion of the Annexure P-2, relief portion whereof becomes extracted hereinafter, thus were also required to be in toto assigned to the present review petitioners.

4. It appears on the reading of the above extracted operative part of the verdict asked to be reviewed, that though this Court had allowed, the writ petition of the land losers concerned, and had also proceeded to uphold the operative portion (supra) as becomes recorded in Annexure P-3. However, though the said assigned reliefs, became upheld by this Court, but yet the awardings in Annexure P-3 of relief to the petitioners relating to

RA-CW-141-2017
IN CWP-13332-1994

-4-

Rs.92,844.25 paisa for the cost of construction, in proportion to their shares in the acquired lands, yet remained unmentioned in the operative part of the verdict made by this Court.

5. Therefore, since, this Court had allowed in toto the land losers petitions, resultantly it was necessary that the entire assigned relief in the verdict challenged in CWP (supra), but was also required to be assigned in toto, to the land losers concerned, but through a typographical mistake it remained unassigned. Therefore, but obviously the operative of the verdict asked to be reviewed was also required to be in tandem with the speakings, as, made in the operative part of the verdict asked to be reviewed, especially when it became upheld.

6. Therefore, the above lack of above speakings in the operative part of the verdict asked to be reviewed, is to be undone.

7. Faced with the above, the review application is allowed, and, the reliefs assigned in Annexure P-4 are in toto assigned to the petitioners' herein.

8. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

November 22, 2023
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(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No