

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

DATE OF DECISION: 04th July, 2025

(1) CR No.7220 of 2024 (O&M)

2025:PHHC:079548



Ludhiana Improvement Trust through its Chairman

.....PETITIONER

VERSUS

Bhajan Kaur (since deceased) through LRs and another

.....RESPONDENTS

(2) CR No.7223 of 2024 (O&M)

2025:PHHC:079550



Ludhiana Improvement Trust through its Chairman

.....PETITIONER

VERSUS

Sajjan Singh (now deceased) through LRs and another

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA.

Present: Ms. Kavita Arora, Advocate for the petitioner (s).

Ms. Rahish Pahwa, Advocate for the respondents.

HARKESH MANUJA, J (ORAL)

This order shall dispose of both these petitions as the common question of law and facts are involved therein. However, for brevity, the facts are being taken from CR No.7220 of 2024.

2. In these revision petitions, challenge has been laid to an order dated 05.08.2024 (Annexure-P1) passed by the Executing Court, whereby it has been directed that a sum of Rs.50,79,891.42 is recoverable from the petitioner and payable to the private respondents. It has also been ordered that in case there is default of payment, warrant of attachment be issued.

3. Briefly stating, certain land owned by Bhajan Kaur (deceased) situated in the revenue estate of village Sunet, Tehsil and District Ludhiana, who happened to be predecessor-in-interest of the private respondents, came to be acquired, vide notification dated 21.06.1976 issued under Section 36 of Punjab Town Improvement Act, 1922 (for short 'the Act') followed by notification dated 28.06.1979 issued under Section 42 thereof. The land was acquired for the scheme known as Development-cum-housing Accommodation scheme. Two different awards were passed on 04.08.1981 and 24.09.1986 by the concerned Land Acquisition Collectors. Certain land owners including Bhajan Kaur approached the concerned Tribunal for seeking enhancement of compensation of market value and the said proceedings were disposed of vide decision dated 24.09.1986 thereby making assessment of market value at the uniform rate of Rs.337/- per marla.

4. It is the case set up by the petitioner that although the award dated 24.09.1986 passed by the Tribunal was assailed by way of writ petition at the instance of other land owners, however, no writ petition was filed at the instance of Bhajan Kaur for the purpose of seeking further enhancement. It has been submitted that the writ petitions filed by other land owners as well as by the petitioners herein were disposed of by way of the order dated 23.05.2006 whereby the market value was assessed to the tune of Rs.600/- per marla besides grant of other statutory benefits to the land owners. It is thus submitted that though the claim made by the private respondents being predecessor of Bhajan Kaur, before the Executing Court, for seeking benefit of release of enhanced market value at the rate of Rs.600/- per marla was justified being the similarly placed

land owners pertaining to the same acquisition proceedings, however, the private respondents were not entitled for grant of interest from 24.09.1986 till 25.09.2018 i.e. from the date of passing of the award by the Tribunal till the date of execution proceedings filed by them.

5. Learned counsel thus submits that the impugned order passed by the Executing Court was liable to be modified to the aforesaid extent.

6. On the other hand learned counsel for the respondent submits that though no writ petition was filed at their instance thereby laying challenge to the decision dated 24.09.1986 passed by the Tribunal whereby the market value was assessed at the rate of Rs. 337/- per marla yet the petitioner itself assailed the aforementioned award/decision vide CWP No. 2331 of 1990 and the compensation was enhanced to Rs.600/- per marla and the said Civil Writ Petition was even disposed of vide decision dated 23.05.2006 in terms of judgment passed in CWP No. 5787 of 1987 titled as "*Kashmira Singh and others vs. The Land Acquisition Tribunal and others*" and thus, the private respondents as well were entitled for the same benefits of market value at the rate of 600 per marlas including the statutory interest etc. and accordingly, the impugned order warrants no interference.

7. I have heard learned counsel for the parties and gone through the paper book.

8. I am unable to find any substance in the submissions made on behalf of the petitioners. Once the petitioners choose to file writ petition assailing the award dated 24.09.1986 passed by the Tribunal and the said Civil Writ Petition No. 2331 of 1990 came to disposed of in terms of decision rendered by this Court in CWP No. 5787 of 1987 titled as "*Kashmira Singh and others vs. The Land Acquisition Tribunal and*

others” whereby the market value was enhanced to Rs.600/- per marla, meaning thereby the private respondents/land owners who always remained before this Court was to be treated on parity with the other land owner pertaining to the same acquisition proceedings and thus were entitled to same market value as well as interest and other statutory benefits in term of CWP No. 5787 of 1987 titled as “*Kashmira Singh and others vs. The Land Acquisition Tribunal and others’*

9. Accordingly finding no merits in the submission made on behalf of petitioners, both the petitions stand dismissed.

10. Since the main petitions have already been decided, pending applications, if any are rendered infructuous.

04th July, 2025
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(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>