

(1994) 10 P&H CK 0004
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 3434 of 1987

Ajit Singh and Others

APPELLANT

Vs

The Ludhiana Improvement Trust and Others

RESPONDENT

Date of Decision : 03-10-1994

Acts Referred:

Constitution of India, 1950 — Article 226, 227
Land Acquisition Act, 1894 — Section 23
Punjab Town Improvement Act, 1922 — Section 36

Citation : (1995) 109 PLR 604

Hon'ble Judges : V.K. Bali, J

Bench : Single Bench

Advocate : R.S. Bindra and Renu Bala, for the Appellant;

Judgement

V.K. Bali, J.—This order shall dispose of two connected civil writ petition Nos. 3434 and 5595 of 1987 as common questions of law and fact are involved in both these petitions.

2. By notification dated 13th of August, 1962 issued u/s 36 of the Punjab Town Improvement Act, 1922 (hereinafter referred to as the Act of 1922), the government sought to acquire 30 acres of land on behalf of the Improvement Trust Ludhiana for the scheme known as Bharat Nagar Extension Scheme. The sanction to the scheme was given by the government on 6th of September, 1966 u/s 42 of the Act of 1922. The acquired land was located in the revenue estates of village Noor Bhaini, Piru Banda and Taraf Burana. The Land Acquisition Collector vide his award dated 21st of January, 1967 classified the acquired land of Taraf Piru Banda in three blocks i.e. A, B and C. Admittedly, the present matter pertains to village Piru Banda. Land immediately abutting on sham Singh road was placed in belt "A" and compensation of Rs. 38/- per biswani was awarded. Land immediately falling behind belt "A" was placed in belt "B" and compensation at the rate of Rs. 24/- per biswani was awarded. The remaining land obviously fell in belt "C" and the compensation with regard to that land was

assessed at Rs. 19/- per biswani. So far as the petitioners are concerned, their land falls in block "C". The petitioners were not satisfied with inadequate compensation assessed by the Land Acquisition Officer and therefore, sought reference from the Tribunal constituted under the provisions of Act of 1922. Vide award dated 13th of June, 1986, the compensation was awarded by the Tribunal, the same being worked out to Rs. 3.25 per sq. yard. The petitioners still being not satisfied filed Civil Writ Petition No. 3360 of 1968 in this Court which came up for final disposal before a single Bench on 12th of November, 1980 and the case was remanded to the Tribunal to consider the sale deed Ex. P-5 & P-6 dated 19th of April, 1961 with regard to land measuring 291 sq. yards which was sold for a consideration of Rs. 2,000/- (Ex. P-5) and sale deed dated 29th of June, 1961, vide which another piece of land was sold for a consideration which if worked out in yard comes to Rs. 8/- per sq. yard. It was also ordered that the petitioners shall be entitled to the statutory solatium and other benefits as admissible to them under the provisions of Land Acquisition Act. When the matter went before the Tribunal for redeciding the reference, the land immediately abutting main road forming part of block "A" was assessed at Rs. 9/- per sq. yard but the remaining land forming blocks "B" and "C" was assessed at Rs. 6/- per sq. yard. It is against this order that the present writ petition has been filed praying for further enhancement.

3. Mr. Bindra, learned Senior Counsel appearing on behalf of the petitioners vehemently contends that the sale instances Exs. P-5 and P-6 pertain to "C" Block and not Block "A" immediately abutting main road. That being the position, the claimants-petitioners were atleast entitled to the price fetched by Exs. P-5 and P-6 and added to it the increase at the rate of Rs. 1/- per sq. yard per year and in as much as there was a difference of over a year between the notification issued u/s 36 of 1922 Act and the sale instances Exs. P-5 and P-6, the price ought to have been worked out at Rs. 9/- per sq. yard.

4. After hearing the learned counsel and perusing the record of the case this Court is of the view that there is no merit in this petition and the sole contention raised by the learned counsel has to be repelled. Assuming it that sale deeds Ex. P-5 and P-6 form part of Block "C" in which block admittedly the land of the petitioner, the subject matter of acquisition is located and admitting as well that the same price that represented sale considerations Exs. P-5 and P-6 should have been taken into consideration as also that the claimants were entitled to increase of Rs. 1/- per sq. yard per year, the case of the petitioners is not advanced any further and there is no scope for any increase in the matter. It is admitted position that in so far as sale instances Exs. P-5 and P-6 are concerned, they are of small area of 291 sq. yard or even less. It is settled proposition of law that while relaying upon sale deed of a small area, when the acquired land is a big chunk some cut has to be applied. Average of two sale deeds comes to Rs. 15/- per sq. yard and even if a rupee is added on account of lapse of time, it will work out to Rs. 16/- Applying a cut of 1/3rd, price will come to over Rs. 5/- sq. yard and admittedly the Tribunal has awarded Rs. 6/- per sq. yard. That being

the position, there is no scope for interference in the price awarded by the Tribunal and, therefore, this petition must fail. The parties are, however, left to bear their own costs.