

(2000) 09 P&H CK 0027
In the Punjab And Haryana At Chandigarh
Case No : CWP 16585 of 1999

Des Raj

APPELLANT

Vs

Punjab State

RESPONDENT

Date of Decision : 01-09-2000

Acts Referred:

Constitution of India, 1950 — Article 226, 227
Land Acquisition Act, 1894 — Section 12, 18, 23, 31, 4

Citation : (2001) 1 RCR(Civil) 244

Hon'ble Judges : R.L. Anand, J;K.S. Garewal, J

Bench : Division Bench

Advocate : Mr. Sanjiv Gupta, for the Appellant; Mr. M.C. Beri, DAG and Mr. T.S. Dhindsa, for the Respondent

Judgement

R.L. Anand, J.—Replication filed on behalf of the petitioners today in court is taken on record.

2. Petitioners have filed the present writ petition under Article 226/227 of the Constitution of India, against the respondents seeking the directions in the nature of mandamus that the respondents be directed to pay the market value of the land owned by the petitioners. The land of the petitioners was acquired by the Govt. The notification u/s 4 of the Land Acquisition Act was issued on 22.7.1993 and, thereafter, the notification u/s 6 was issued.

3. The grouse of the petitioners is that in the earlier litigation, the respondent-authorities had given an undertaking that the petitioners shall be paid the market value of the acquired land and houses in accordance with law, but the compensation which is being offered to the petitioners is too meagre, rather ridiculous.

4. On the contrary, counsel for the respondents submitted that this writ petition deserves to be dismissed on the short ground that against the award, the petitioners have already adopted the remedy u/s 18 of the Act. The Collector has

already deposited the market value and the petitioners are free to withdraw the same. If the petitioners are not satisfied with the market value of the land and houses assessed by the Collector, the court u/s 18 of the Act is entitled to enhance the amount of compensation to any extent as per the guidelines as envisaged u/s 23 of the Act.

5. Counsel for the petitioners wanted to controvert the submissions of the counsel for respondents by referring to Section 31 and submitted that the petitioners have not been so far paid the compensation and till the compensation is paid, the petitioners are not entitled to be evicted from the houses constructed over their land.

6. After considering the rival submissions of the parties and in view of the stand taken up by the respondents, we dispose of this writ petition with the observations that now it is clear that the respondents-authorities have deposited the amount of compensation. If this amount of compensation is not acceptable to the petitioners on the plea that it does not reflect the market value of the property, it will always be open to the petitioners to lead such evidence before the court u/s 18 for the enhancement of the compensation of the land and houses and their objections which are already pending before the court shall be disposed of as per law. In this writ petition, we are not inclined to give any directions to the respondents.

7. Dasti.

8. Order accordingly.