
(2014) 04 P&H CK 0165
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 7421 of 2014

Improvement Trust, Patiala	Vs	APPELLANT
Harvinder Singh and Others		RESPONDENT

Date of Decision : 23-04-2014

Acts Referred:

Land Acquisition Act, 1894 — Section 18

Citation : (2014) 04 P&H CK 0165

Hon'ble Judges : Surya Kant, J; Lisa Gill, J

Bench : Division Bench

Advocate : R.S. Modi, Advocate for the Appellant

Final Decision : Dismissed

Judgement

Surya Kant, J.—This order shall dispose of Civil Writ Petition Nos. 7421, 7423, 7424, 7435, 7436 & 7483 of 2014 as common questions of law and facts and involved in all these cases.

2. For brevity, the facts are being extracted from Civil Writ Petition No. 7421 of 2014.

3. The Improvement Trust, Patiala, impugns the Award dated 30.08.2013 (Annexure P-2) passed by the Land Acquisition Tribunal, Improvement Trust, Patiala, whereby the respondent-land-owners have been awarded compensation @ Rs. 1177/- per square yards alongwith other benefits for their acquired land.

4. The land of the respondents was acquired under Sections 36 and 42 of the Punjab Town Improvement Act 1922 (hereinafter referred to as "the Act"), vide notifications dated 18.06.2004, 25.06.2004 and 02.07.2004, respectively. The State Government accorded sanction to the development scheme floated by the Improvement Trust, Patiala, in exercise of its powers u/s 42 of the Act, on 10/11.06.2005. The total acquired land was 151 kanal 11 marla.

5. The Land Acquisition Collector, after following the procedure under the Land

Acquisition Act, 1894, determined the compensation vide Award dated 27.04.2006 @ Rs. 40,00,000/- per acre, i.e., Rs. 826/- per square yard. Still dissatisfied, the land-owners filed reference u/s 18 of the Land Acquisition Act, 1894, which has been adjudicated by the Tribunal presided over by the District Judge, Patiala, vide the impugned Award dated 30.08.2013 (Annexure P-2). The Tribunal has, as noticed earlier, enhanced the compensation from Rs. 826/- per square yard to Rs. 1177/- per square yard. The aggrieved Improvement Trust has approached this Court.

6. We have heard learned counsel for the petitioner at some length and gone through the impugned Award.

7. It would be apposite to reproduce the following findings returned by the Tribunal:-

...52. A bare perusal of Ex. R-4 and R-5 transpires that on same day two plots of 125 square yards each were sold; one plot was sold for Rs. 2,00,000/- and other plot was sold for Rs. 1,25,000/-. These documents establish that both the sale deeds have been executed on 03.06.2003 and vendor is the same lady namely Ms. Bhupinder Kaur. Both the plots are part of Khasra No. 5/9/1 (6-4). Perusal of the sale deed Ex. R-4 reveals that this plot measuring 125 square yards was sold for Rs. 2,00,000/- vide sale deed No. 4032/3480 dated 03.06.2003 whereas after short while sale deed Ex. R-5 was executed on the same day before same Registrar with regard to same land for a sum of Rs. 1,25,000/-. This fact establishes that there is variation even in price for the adjoining plots. Therefore, it is quite suitable to take the average rate of all the plots which comes to Rs. 1,051/- per square yards. Out of them one sale deed Ex. R-6 is dated 18.04.2001 and remaining are between 3rd June, 2003 to 01.08.2003. Admittedly, they relate to the land adjoining or nearby suit property. However, keeping in view the rising prices, this Tribunal is of the considered opinion that at the time of acquisition the rate of land must be enhanced above the average value of plots as per sale deeds Ex. R1 to Ex. R6....

(emphasis applied)

8. The Tribunal after discussing the case laws, granting 15% increase of the average value of the land, has finally arrived at the conclusion that the value of the land is Rs. 1177/- per square yard.

9. Equally pertinent is to reproduce the following finding returned by the Tribunal:-

....56. For assessing the market value of the standing-structures, the Collector has relied upon the report of the Executive Engineer, Improvement Trust, Patiala, dated 27.12.2005. No evidence is adduced by the claimants if the report is in any way improper. The claimants have examined private valuers. Harinder Singh and Gurwinder Singh examined Sh. Chanan Singh, Approved Draftsman as PW 1 who submitted his reports on 23.11.1999; Harinder Kaur examined Sh. S.N.

Bhardwaj, a valuer. After considering the reports submitted by the above-said draftsman and valuer, this Tribunal is of the view that these reports are not acceptable not it belies the evidence produced by Improvement Trust.....

(emphasis applied)

10. On a bare perusal of the above-reproduced findings, it stands crystallized that the Tribunal has assessed the value of the acquired land solely on the basis of evidence led by the petitioner-Improvement Trust. Not an iota of evidence led by and/or relied upon by the claimants has been taken into consideration by the Tribunal for determining the value of the land. The sale deeds Exhibits R-1 to R-6, the average value whereof has been taken into consideration, were admittedly produced in evidence by the Improvement Trust only.

11. In these circumstances when the Tribunal has returned findings of fact taking into consideration the evidence led by the Improvement Trust before the Tribunal, we do not find any error of law or facts committed by the Tribunal while passing the impugned Award. Thus, no case to interfere with the impugned Award is made out.

Dismissed.