

(2011) 03 P&H CK 0682
In the Punjab And Haryana At Chandigarh
Case No : Cwp No. 12062 of 1991 (O and M)

Jalandhar Improvement Trust

APPELLANT

Vs

The Tribunal Constitution under the Punjab Town
Improvement Trust and Another

RESPONDENT

Date of Decision : 30-03-2011

Acts Referred:

Land Acquisition Act, 1894 — Section 12, 18
Town Improvement Act, 1922 — Section 36

Citation : (2011) 03 P&H CK 0682

Hon'ble Judges : Rakesh Kumar Garg, J; Jasbir Singh, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Rakesh Kumar Garg, J.—The Petitioner-Trust framed a development scheme for an area measuring 74.3 acres and 33.0 acres. Notification u/s 36 of the Town Improvement Act, 1922 (hereinafter referred to as the "Improvement Trust Act") was published on 3.9.1974. The land of the Petitioner was also acquired for the aforementioned scheme. Award was pronounced by the Collector on 21.12.1978 regarding the acquired land. The market value of the land of the Respondent was assessed at Rs. 330/-per marla along with solatium at the rate of 15% and interest at the rate of 6% per annum.

2. It is the further case of the Petitioner-Trust that a notice u/s 12 of the Land Acquisition Act, 1894 was also issued to Respondent No. 2 intimating that compensation for his acquired land may be collected from the Office of the Collector. Respondent No. 2 did not file any reference u/s 18 of the Land Acquisition Act within limitation. However, Respondent No. 2 filed an application u/s 18 of the Act in the year 1986 i.e. After a lapse of 8 years from the date of award for referring the case to the Tribunal for enhancement of compensation. The matter was referred to the Tribunal wherein the claim of Respondent No. 2 was contested by the Petitioner submitting that the reference application was

hopelessly time barred and the market value was correctly assessed.

3. The Tribunal after relying upon a previous award Ex.R-1, enhanced the market value of the acquired land of Respondent No. 2 at Rs. 625/- per marla and also ordered for payment of statutory benefits

4. The award dated 29.11.1989 passed by the Tribunal is under challenge before this Court.

5. Learned Counsel for the Petitioner has vehemently argued that the reference application filed by Respondent No. 2 was hopelessly barred by time and the Tribunal has passed the award without any sufficient reasons to condone a huge delay of 8 years. It was further argued by the learned Counsel for the Petitioner that reliance placed by the Tribunal on an earlier award is not justified and the compensation as enhanced was excessive and thus, the impugned award is liable to be set aside.

6. We have heard learned Counsel for the Petitioner and have perused the impugned award.

7. It is a matter of record that the plea of limitation was raised by the Petitioner-Trust before the Tribunal and a specific issue was also framed in this regard. However, while deciding this issue, the Tribunal has recorded a finding that there is no evidence that any such notice was served upon the claimant. Even before this Court, learned Counsel for the Petitioner was unable to point out any material evidence in this regard which was ignored. Not only this, learned Counsel appearing on behalf of the Petitioner also could not point out as to how the compensation awarded by the Tribunal to the land owners was excessive or incorrect. In fact a finding has been recorded by the Tribunal to the effect that vide Annexures R-1 and R-2, the compensation was awarded at the rate of Rs. 625/-per marla relating to the same scheme in which the land of the claimant was acquired.

8. No other point was urged.

9. For the reasons recorded, we find no merit in this petition. Dismissed.