
(2014) 01 P&H CK 0288

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition Nos. 15683 and 15684 of 1992

Kalicharan

APPELLANT

Vs

The Tribunal

RESPONDENT

Date of Decision : 13-01-2014

Acts Referred:

Citation : (2014) 175 PLR 8

Hon'ble Judges : Surya Kant, J;Amol Rattan Singh, J

Bench : Division Bench

Advocate : Hemant Sarin, Advocate for the Appellant; Mani Ram Verma, Advocate for the Respondent

Judgement

Surya Kant, J.—This order shall dispose of Civil Writ Petition Nos. 15683 and 15684 of 1992 as in both the petitions the question of law is somewhat similar though the dates of subject acquisition are different. Suffice it would be to note that in Civil Writ Petition No. 15683 of 1992, the land of the petitioners was acquired for wholesale vegetable market set-up by Bhiwani Improvement Trust. The Land Acquisition Collector of the Trust passed an award on 24.01.1975 against which the petitioners/land-owners felt dissatisfied and made a reference which was decided by the Tribunal constituted under the Punjab Town Improvement Act, 1922 as applicable to the State of Haryana, vide Award dated 12.05.1992. Vide the said Award the Tribunal has assessed the market value as Rs. 1,26,720/- out of which part of amount is payable to the tenants who were occupiers of the acquired shops. The land-owners still being dissatisfied have preferred this writ petition.

2. In the 2nd case C.W.P. No. 15684 of 1992, 13 shops and 6 residential houses of the petitioners were acquired by Bhiwani Improvement Trust for Development Scheme No. 35 and in relation thereto the Land Acquisition Collector of the Trust passed Award on 18.1.1977. On a reference by the landowners/petitioners, the Tribunal constituted under the Punjab Town Improvement Act, 1922 as applicable to the State of Haryana, passed the Award dated 9.6.1992 granting

compensation of R.s. 1,77,600/- to them. Still dissatisfied, the petitioners have approached this Court.

3. No sooner we took up the above-stated matters for hearing, learned counsel for the parties have referred to the certified copies of Awards passed in both the cases which fortify that the same have been passed by the President of the Tribunal alone, without concurrence of any other member.

4. In the light of the decision taken by the Hon''ble Supreme Court in Karnal Improvement Trust, Karnal Vs. Parkash Wanti (Smt) (Dead) and Another, there can be no other conclusion but to hold the Award passed by the President of the Tribunal without associating atleast one of the members of the Tribunal, is illegal. Both the Awards are consequently set-aside. It is however directed that payment of compensation made to the petitioners in both the Awards shall remain intact and shall be subject to adjustment as per the Award now to be passed by the Tribunal in accordance with law.

5. We are informed that the Act has now been amended in Haryana and under the amended Act the case is now required to be decided by the Civil Court. The matters are accordingly remitted to the District Judge, Bhiwani for fresh adjudication by the appropriate Court in accordance with law. Keeping in view the fact that acquisition in the instant cases is one of the oldest one, the District Judge, Bhiwani shall ensure that the matter is decided in accordance with law within a period of four months from the date of appearance of the parties before the said Court. Parties are directed to appears before the District Judge, Bhiwani on 24.02.2014. Ordered accordingly.