

---

**(1983) 10 P&H CK 0054**  
**In the Punjab And Haryana At Chandigarh**  
**Case No : Civil Writ Petition No. 1874 of 1982**

Sat Pal Sharma

APPELLANT

Vs

State of Punjab

RESPONDENT

---

**Date of Decision :** 11-10-1983

**Acts Referred:**

**Citation :** (1983) PLJ 502 : (1984) RRR 608

**Hon'ble Judges :** J.M.Tandon, J

**Advocate :** G.C. Tangri, Advocates., R.L. Batta, Advocates for appearing Parties

---

## Judgement

J.M. Tandon, J.

1. The Government vide notification dated January 7, 1971 (P.1) issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter the Act) acquired land for the development of Urban Estate, Phase II, on Patiala Rajpura Road, near the Punjabi University, Patiala. The petitioner had purchased a plot in the said land before notification P. 1 was issued. The Collector gave the award dated March 29, 1971, with respect to the acquired area. In this award the Collector took notice of the decision of the Government for allotment of plots to the persons like the petitioner by way of compensation. The relevant part of the award dealing with this point reads:

"Some of the land under acquisition has been sold out in small plots for residential purposes at very high rates, the purchasers having obviously purchased the same under the presumption that the colonizers will set apart land for streets, road and parks/open spaces etc. as is prevalent in the case of approved colonies. Some of the plot holders, have produced the original sale deeds enclosing therewith the site plans duly signed by the sellers showing the road, in front of the plots and giving the plot holders, permanent rights of its use. The land under such plots stands acquired vide this Award, the Government, however, in order to mitigate the hardship, have decided to give such small plot holders plot for plot as far as possible of the same size on the condition that the plot holders will pay proportionate development charges as assessed by the

Department in six equated annual instalments with interest at the rate to be determined later and shall abide by all the rules and regulations framed under the Punjab Urban Estates (Development and Regulation) Act, 1964. Further, the land of the road in front of the plots will belong to the Government without compensation as the plot holders have permanent rights of their use. In the event of this decision being upset by any higher civil Court, the plot holders will make a good along with the development charges the costs of land under the streets and roads in proportion to their plots. The plot holders who want plot for plot shall apply in writing for the same and shall not be paid compensation as assessed vide the Award. They will also execute a registered agreement undertaking to abide by the above condition as well as deed of conveyance as envisaged under the Rules *ibid*."

2. The case of the petitioner is that he applied for the allotment of a plot in terms of the award of the Collector by way of compensation. Having failed to secure the allotment of a plot he has filed the present writ praying for a mandamus that the respondents be directed to allot a plot to him in terms of the award dated March 29, 1971.

3. The learned counsel for the petitioner has argued that the decision of the Land Acquisition Collector as contained in the award dated March 29, 1971, relating to the allotment of a plot to the petitioner is binding on the respondents with the result that the petitioner is entitled to the allotment of a plot by way of compensation for his plot which has since been acquired vide notification P.1. The contention of the learned counsel for the petitioner is correct.

4. It is not disputed that the direction of the Land Acquisition Collector as contained in the award dated March 29, 1971, for the allotment of a plot by way of compensation to such persons who owned plots in the acquired area is based on an earlier decisions of the Government. The existence of such a decision of the Government is not denied.

5. Section 31 deals with the payment of compensation and subsection (3) thereof reads :

"Notwithstanding anything in this section the Collector may, with the sanction of the appropriate Government instead of awarding a money compensation in respect of any land made any arrangement with a person having a limited interest in such land, either by the grant of other lands in exchange, the remission of land revenue on other lands held under the same title, or in such other way as may be equitable having regard to the interests of the parties concerned."

6. The relevant direction issued by the Land Acquisition Collector in the award dated March 29, 1971, is *inter vires* and binding on the State Government. The Government did not assail the direction of the Land Acquisition Collector at any stage. The petitioner can, therefore, claim the consideration of his case for the allotment of a plot by way of compensation for his plot which has since been

acquired vide notification P.1 in terms of the direction of the Land Acquisition Collector contained in the award dated March 29, 1971.

7. In the result, the writ petition is allowed. The authorities are directed to consider the claim of the petitioner for the allotment of a plot by way of compensation in lieu of his plot of land which has since been acquired in terms of the direction contained in the award dated March 29, 1971. The authorities will decide the case of the petitioner expeditiously and preferably within six months. No order as to costs.