

(1979) 07 P&H CK 0031
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ No. 2326 of 1967

Shrimati Uma and others

APPELLANT

Vs

The Tribunal Constituted Under The Punjab Town Improvement Act, 192, Jullundur and others

RESPONDENT

Date of Decision : 09-07-1979

Acts Referred:

Punjab Town Improvement Act, 1922 — Section 18

Citation : (1979) 07 P&H CK 0031

Hon'ble Judges : Sukhdev Singh Kang, J

Bench : Single Bench

Advocate : H.L. Sarin, Mr. R.L. Sarin with him, for the Appellant; K.L. Sachdeva, for the Respondent

Judgement

Sukhdev Singh Kang, J.—Shrimati Uma and others have through this writ petition sought to quash the award and judgment, Annexures A and C passed by the Land Acquisition Collector and the Tribunal (constituted under the Punjab Town Improvement Act, 1922), Jullundur. The lands of the petitioners had been acquired for the development scheme for Jullundur City. After following the procedure of the Land Acquisition Act, the land was acquired and the Land Acquisition Collector gave the award regarding the compensation to be paid for the land which was acquired. Dissatisfied with that award, the petitioners tiled an application u/s 18 of the Act which was disposed of by the Tribunal constituted under the Punjab Town Improvement Act, 1922 (hereinafter referred to as the Act) The learned Tribunal enhanced the compensation for the lands of the petitioners from Rs. 70/ per marla to Rs 125/- per marla. The petitioners claimed Rs. 400/- per marla for their lands. The learned Tribunal took into account the evidence by way of sales adduced before him. In determining the compensation, he has followed the well known principles for the determination of compensation. The learned counsel for the petitioners has not been able to point out any infirmity in the procedure adopted by the learned Tribunal. The only attack made by the learned counsel for the petitioners in the process of determining the

compensation is that the Land Acquisition Collector, as well as the Tribunal divided the land into three belts According to the learned counsel, this was not permissible in law. This mode of dividing the land into belts is well known for the purpose of the determination of compensation, because different parcels of land are not of the same value. The potentiality of those parcels of land which abut on the road or which are in close proximity of already set up residential colonies etc, is much more than those parcels of the acquired land which are a way from the roads of the habitated localities. It is father to do justice to the land owners that the land for the purpose of determination of compensation is divided into belts. So no fault can be found with this process

2. The learned counsel for the petitioner has strenuously argued that the Land Acquisition Collector, as well as the Tribunal has not awarded 5 percent solatium for the compulsory acquisition of land, in support of this contention, he has cited *Devinder Kaur v. Ludhiana Improvement Trust, Ludhiana* (1975) 77 P.L.R. 527, a Full Bench decision of this Court, wherein it has been held that the persons whose lands have been acquired for the purpose of the Punjab Town Improvement Act are also entitled to the solatium. So I order that the petitioners shall be paid solatium at 15 per cent of the compensation awarded to them.

4. Shri H.L. Sarin, learned counsel has also contended that the petitioners have been ordered to be paid interest at the rate of 4 per cent. He has drawn my attention to Act No. 7 of 1969 passed by the Punjab Legislature whereby interest to be awarded on the compensation for the lands acquired has been raised from 4 to 6 per cent annum from July 1, 1967. Consequently, I order that the petitioners shall be paid interest at the rate of 6 percent per annum on the compensation awarded to them as well as the solatium at the rate of 6 percent instead of 4 percent, from July 1, 1967.

No other point has been pressed,

5. In view of the above discussion, this writ petition stands disposed of without there being any order as to costs.