
(1992) 07 P&H CK 0005
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 6750 of 1986

Smt. Raj Rani

APPELLANT

Vs

The State of Punjab and Another

RESPONDENT

Date of Decision : 14-07-1992

Acts Referred:

Constitution of India, 1950 — Article 226, 227
Land Acquisition Act, 1894 — Section 11, 11A

Citation : (1992) 102 PLR 585

Hon'ble Judges : G.C. Garg, J

Bench : Single Bench

Advocate : Avinash Chander Jain, for the Appellant; H.S. Mattewal and Sukhbir Singh, for the Respondent

Final Decision : Allowed

Judgement

G.C. Garg, J.—The Amritsar Improvement Trust framed a development scheme known as the Truck Stand Development Scheme, u/s 24 read with Section 28 of the Punjab Town Improvement Act, 1922 (for short the Act) proposing to acquire about 135 acres of land. Notice u/s 36 of the Act was published on May 11, 1974. The Scheme was sanctioned by the State Government u/s 41 of the Act and notified u/s 42 of the Act in the Punjab Government Gazette dated May 27, 1977, Notification u/s 42 of the Act has the same effect as a notification u/s 6 of the Land Acquisition Act. Award in respect of the land covered by the scheme was announced on August 3, 1978 including the land under the petrol pump i.e the land in dispute in this petition. Compensation for the superstructures was, however not announced as evaluation thereof had not been received by the Land Acquisition Collector. A supplementary award dated October 30, 1986, determining compensation for the superstructures standing on the land in question was made. This supplementary award was made part and parcel of the original award dated August 3, 1978.

2. Compensation assessed for the land involved in this petition as also for the

superstructures standing thereon, has either not been paid or received by the petitioner though notices u/s 12(2) of the Land Acquisition Act were issued requiring her to receive the compensation as assessed by the supplementary award.

3. This writ petition has been filed challenging the acquisition proceedings on two grounds, namely, (i) the supplementary award has been made beyond a period of two years of coming into force the provisions of Section 11A of the Land Acquisition Act, as inserted by Central Act 68 of 1984 and thereby the entire acquisition proceedings have lapsed and, (ii) two awards, one fixing the value of the land and second fixing the value of superstructures, could not be made.

4. It may be stated that the land and the building standing thereon constitute one unit. The value of the entire unit is required to be determined with all its advantages and potentialities in terms of Section 23 of the Land Acquisition Act. A necessary consequence thereof would be that only one award has to be rendered for the unit. In the present case, the award in respect of land was made by the Land Acquisition Collector on August 3, 1978 and the supplementary award for the Superstructures standing thereon was made on October 30, 1986. This matter is not res integra. A Division Bench of this Court in Sharan Pal Singh and others Vs. State of Punjab and others, . observed as under : -

"In the light of the authoritative pronouncement, there is no escape from the conclusion that the land, buildings standing there on and the standing crops and trees on the land constitute one unit, and the value of the entire unit has to be determined with all its advantages and potentialities. Necessary consequence will be that only one award has to be rendered for this unit.

Section 11A of the Act makes it mandatory for the Land Acquisition Collector to make an award u/s 11 ibid within a period of two years from the date of publication of the declaration u/s 6 of the Act, and if no award is made within that period, entire proceedings for the acquisition of land shall lapse. In the instant case, notification u/s 4 of the Act was published in the Punjab Government Gazette dated June 1, 1982, followed by a notification u/s 6 dated August 17, 1983. The Land Acquisition Collector made the award on March 25, 1985, relating to the land and not for the superstructures and trees standing thereon. The award rendered by the Land Acquisition Collector was not the one envisaged u/s 11 of the Act. The same envisages the award for the unit, viz the land, buildings and superstructures and standing crops and trees thereon. The Acquisition proceedings would lapse insofar as the award relates to that portion of the acquired land on which the superstructures and trees were standing on the date the award had been made."

Thus, the ir-resistible conclusion is that the acquisition proceedings insofar as these relate to the land in question are vitiated, for the award rendered by the Land Acquisition Collector is not the one envisaged by Section 11 of the Act. Even otherwise, the award with respect to superstructures standing on the land

in dispute measuring 977.7/9 square yards comprising of Khasra No. 424 involved in the present petition was not made within a period of two years as contemplated by Section 11A of the Land Acquisition Act. Section 11A, provides that in a case where the declaration has been published before the commencement of the Land Acquisition (Amendment) Act 68 of 1984, the award shall be made within a period of two years from such commencement. The Land Acquisition (Amendment) Act 68 of 1984 came into effect from September 24, 1984. The award was, thus, required to be made on or before September 24, 1986 as the declaration in this case had been published before September 24, 1984 the date of commencement of Land Acquisition (Amendment) Act 68 of 1984. The award in this case, as already noticed, has admittedly been made on October 30, 1986. Necessary consequence therefore, is that acquisition proceedings insofar these relate to land in dispute i. e. land measuring 977.7/9 Sq. Yards Comprising of Khasra No. 424 are vitiated.

6. For the reasons stated above, the writ petition succeeds qua the petitioner only. Accordingly, the acquisition proceedings would lapse with regard to land measuring 977.7/9 Sq. Yards comprising of Khasra No. 424 in the revenue estate of village Tung Wala Urban, Tehsil and District Amritsar, presently under the petrol pump and for which award was not rendered in terms of Section 11A of the Land Acquisition Act. No order as to costs.