

**(1999) 01 P&H CK 0002**  
**In the Punjab And Haryana At Chandigarh**  
**Case No : Civil Revision No. 4925 of 1994**

The State of Punjab and Others

APPELLANT

Vs

Shangara Singh

RESPONDENT

**Date of Decision :** 07-01-1999

**Acts Referred:**

Civil Procedure Code, 1908 (CPC) — Section 115, 151, 152  
Land Acquisition Act, 1894 — Section 23A

**Citation :** (1999) 121 PLR 768 : (1999) 2 RCR(Civil) 409

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

**Bench :** Single Bench

**Advocate :** S.C. Sibal, A.A.G, for the Appellant; Premjit Kalia, for the Respondent

**Final Decision :** Allowed

## Judgement

G.C. Garg, J.—This revision petition is directed against the order dated 26.10.1993 of the Additional District Judge, Amritsar whereby he allowed the application filed u/s 151 and 152 of the CPC by Shangara Singh - land owner to seek enhanced statutory benefits under the Land Acquisition Act as amended.

2. Notification u/s 4 of the Land Acquisition Act was issued in June, 1977. The Collector gave the Award on 28.8.1978. A reference at the instance of land owners was disposed of by the Additional District Judge by his Award dated 26.10.1982. That Award became final. However, after about six years of the Award made by the Additional District Judge, Shangara Singh, respondent herein, moved an application under Sections 151 and 152 of the CPC praying therein that he may be granted statutory benefits under the Land Acquisition Act as amended namely that he be allowed solatium @ 30% instead of 15% and interest @ 9% for the first year from the date of award and 15% thereafter, besides an amount of @12% from the date of Notification till the date of award. This application was allowed by the Additional District Judge, Amritsar by his order dated 26.10.1993 and it was ordered that the applicant would be entitled to an amount @ 12% from the date of notification till the date of award. The land

owner was further held entitled to solatium @ 30% instead of 15% and interest @ 9% for the first year and 15% for the remaining period. Hence this revision at the instance of State Government.

3. After hearing learned Counsel for the parties, I find that the controversy raised in this revision petition is no longer *res integra* and has been settled by the Supreme Court in the case of *Union of India v. Swaran Singh and Others*, (1996) 5 SCC 501 , wherein it has been held that the reference Court has no jurisdiction to entertain an application under Sections 151 and 152 CPC and thereby amend the award already made. In view of the above, this petition is to be allowed. It is allowed accordingly. Order of the learned Additional District Judge, Amritsar is set aside and the application moved by the land owner u/s 151 and 152 is dismissed, but with no order as to costs.

4. In case the amount has been paid by the State Government under the impugned order, it will be open to it to recover the same from the land owner in accordance with law.