
(1995) 10 P&H CK 0066
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 5492 of 1981

Yog Raj Shah

APPELLANT

Vs

The State of Punjab and Others

RESPONDENT

Date of Decision : 10-10-1995

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1996) 113 PLR 163 : (1998) 1 RCR(Civil) 549

Hon'ble Judges : T.H.B. Chalapathi, J

Bench : Single Bench

Advocate : L.M. Suri and Deepak Suri, for the Appellant; Manjeet Singh, A.A.G., for the Respondent

Final Decision : Dismissed

Judgement

T.H.B. Challapathi, J.—This writ petition is filed challenging the award passed by the Land Acquisition Tribunal constituted under the Punjab Improvement Town Act, Jalandhar, dated 8.4.1981. The land of the petitioner was acquired u/s 42(1) of the Punjab Town Improvement Act, along with other lands belonging to some other persons of the locality. The Land Acquisition Officer fixed the rate at Rs. 413/- per Maria in respect of the land of Block "A" and Rs. 359/- per Maria in respect of the land of Block "B". Not satisfied with the said amount awarded by the Land Acquisition Officer, the petitioner sought a reference to be made to the Tribunal constituted under the Punjab Town Improvement Act. The Tribunal enhanced the compensation to Rs. 1,000/- per Maria as compensation for the land acquired. The petitioner claiming enhancement of the said compensation filed this writ petition. According to the petitioner before the Tribunal, cost of the land was between Rs. 3,000/- to Rs. 4,000/- per Maria and similarly situated land had been sold at that rate and they have also not been awarded compensation for the construction of the superstructure etc. on the land. In support of the enhancement of the compensation, the claimants examined one Mangal Chand as P.W 1 and the present petitioner Raj Shah as PW7. One

Harbans Singh (P.W2) gave evidence that he entered into an agreement to purchase the land from Mangal Chand. One H.L. Saini was examined as P.W.5. According to him, his land was purchased by the Jallandhar Improvement Trust at the rate of Rs. 3225/- per Maria. But the Tribunal came to the conclusion that the claimants failed to adduce any evidence to show that the prices of the land raised in two years immediately prior to the date of the notification and that there was no evidence of any sale transactions at and around the time of the notification for the acquisition of the land and the Tribunal also took into consideration the sale effected by the Rehabilitation Department to the Director, Land Records vide Ex.P.3. It also took into account the agreement which P.W. 2 Harbans Singh entered with Mangal Chand P.W 1. On consideration of the material on record the Tribunal fixed the rate at Rs. 1,000/ per Maria after deducting the area to be covered by the roads. It must be noticed that the writ petition is not an appeal against the award of the Tribunal. This court cannot re-appreciate the evidence. If there is any error or illegality in appreciating the evidence then only this court can interfere. The method adopted by the Tribunal in arriving at the just compensation cannot be said to be in anyway illegal. I do not, therefore, find any ground warranting interference with the award passed by the Tribunal.

2. The writ petition is, therefore, dismissed. However, there will be no order