

Punjab-Haryana High Court

Ram Singh And Another vs Union Territory on 1 September, 2009

CWP No.13512 of 2009

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IN THE HIGH COURT OF PUNJAB AND HARYANA, CHANDIGARH.

CWP No.13512 of 2009

Date of decision: 1.9.2009

Ram Singh and another

....Petitioners

vs.

Union Territory, Chandigarh.

..Respondents

CORAM: HON'BLE MR.JUSTICE J.S.KHEHAR.

HON'BLE MR.JUSTICE S.D.ANAND.

Present: Ms.Akta Thakur, Advocate, for the petitioners.

J.S.KHEHAR,J. (Oral)

The process of acquiring land was initiated by the respondents through a notification dated 10.1.1992. The aforesaid notification was issued under section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act"). The determination to acquire the petitioners' land was finalised with the issuance of a declaration under section 6 of the Act, whereupon the Land Acquisition Collector passed an award dated 9.11.1992. It is not a matter of dispute that the petitioners accepted the compensation on account of the acquired land in terms of the award of the Land Acquisition Collector dated 9.11.1992.

Others whose land was also acquired in furtherance of the notifications referred to hereinabove, sought enhancement of compensation. It is therefore, that applications seeking enhancement of compensation were referred to the Reference Court under section 18 of the Act. The Reference Court enhanced the compensation earlier determined by the Land Acquisition Collector (through his award dated 9.11.1992) by its order dated 11.3.2002. Since compensation awarded by the Reference Court was higher than the compensation awarded by the Land Acquisition Collector, the petitioners moved an application under section 28-A of the Act seeking enhancement of compensation. The instant application was filed on 6.5.2002. Learned counsel for the petitioners acknowledges, that the request of enhancement of compensation made at the hands of the petitioners was acceded to, and that the petitioners have already received compensation at the same rate, as was determined by the Reference Court vide order dated 11.3.2002.

The petitioners then moved an application dated 4.6.2003 (Annexure P2) seeking still further compensation. It is the vehement contention of the learned counsel for the petitioners, that the compensation determined by the Reference Court vide its order dated 11.3.2002 was insufficient, and as such the petitioners had claimed the same under protest. It is the submission of the learned counsel for the petitioners, that in terms of the mandate of section 28-A (3) of the Act, it is open to a

person who does not accept the award under sub section (2) of section 28-A of the Act, to claim a still further enhancement.

We have considered the solitary contention of the learned counsel for the petitioners. It is not possible for us to accept the interpretation placed by the learned counsel for the petitioners on section 28-A of the Act, specially sub section (3) thereof, to the effect that, a landowner can, under the mandate of section 28-A, claim compensation higher than the one awarded by the Reference Court in exercise of jurisdiction vested in the Reference Court under section 18 of the Act. Section 28-A of the Act was introduced only with the aim and object to allow enhancement of compensation equivalent to the compensation awarded by the Reference Court, to others whose land was acquired under the same notification. Since it is not disputed by the learned counsel for the petitioners that the petitioners are already in receipt of compensation determined by the Reference Court in its order dated 11.3.2002, we are satisfied that the claim made by the petitioners to seek any further enhancement is totally unjustified.

In view of the above we find no merit in this petition and the same is accordingly dismissed.

(J.S.Khehar) Judge (S.D.Anand) Judge September 1, 2009 rk