

(2002) 10 P&H CK 0039

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 3842 of 1982

Didar Singh

APPELLANT

Vs

Jullundur Improvement Trust
and Others

RESPONDENT

Date of Decision: Oct. 9, 2002

Acts Referred:

- Land Acquisition Act, 1894 - Section 30

Citation: (2003) 133 PLR 264 : (2003) 1 RCR(Criminal) 840

Hon'ble Judges: N.K. Sodhi, J

Bench: Single Bench

Advocate: None, for the Appellant; K.S. Cheema and Salil Sagar, Addl. A.G. Punjab, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

N.K. Sodhi, J.

This petition under Article 226 of the Constitution is directed against the award dated 22.5.1981 passed by the Tribunal constituted under the Punjab Town Improvement Act, 1922 whereby the reference made to it at the behest of the petitioner u/s 18 of the Land Acquisition Act, 1894 was allowed and the amount of compensation as claimed was granted.

2. Petitioner was the occupier of the land in dispute which was acquired by the State Government for a development scheme framed by the Jalandhar Improvement Trust (for short the Trust). Didar Singh petitioner had installed a tube-well in khasra Nos. 6692 and 6693 for which he claimed compensation to the tune of Rs. 1000/-. The Collector by his award dated 5.1.196(5 awarded a sum of Rs. 150/- only for boring the tube-well and for the underground pipes installed. He took into consideration the valuation of the said structure as worked out by the acquisition

staff of the Trust. Feeling dissatisfied with the award the petitioner filed a reference application u/s 18 of the Land Acquisition Act, 1894 contending that the compensation paid was less and that he was entitled to a sum of Rs. 1000/-. He also claimed compensation for the 4 pucca rooms constructed over the land in dispute and also for his tenancy rights over the land. The Tribunal accepted the contention of the petitioner and awarded Rs. 1000/- as compensation for the tube-well as claimed. As regards the compensation for the structure, it was observed that that was the entitlement of the land owner whose claim for compensation was separately processed. Still not satisfied, he filed the present petition.

3. I have heard counsel for the respondents and perused the impugned award passed by the Tribunal and find no ground to interfere with the same, as regards the compensation for the tube-well, the petitioner claimed a sum of Rs. 1000/- which has been awarded by the Tribunal. He can have no grievance in this regard. His claim for a higher amount in the writ petition is obviously misconceived and cannot be granted.

4. Petitioner is also claiming compensation for the pucca structure constructed over the land in dispute. Since the petitioner was not the owner of the land he, was not entitled to compensation for this structure. The landowner had also made a claim which has been separately processed. In case the petitioner has not received his part of the compensation pertaining to his tenancy rights, if any, it is open to him to have that matter settled between him and the landowner by resorting to proceedings u/s 30 of the Land Acquisition Act. It is not for this court under Article 226 of the Constitution to apportion the part of the compensation, if any, due to the petitioner in this regard.

5. In the result, there is no merit in the writ petition and the same stands dismissed with no order as to costs.