

Palwinder Singh and Another Vs State of Punjab

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Jan. 20, 2000

Acts Referred: Land Acquisition Act, 1894 " Section 18

Citation: (2000) 126 PLR 123 : (2000) 2 RCR(Civil) 381

Hon'ble Judges: Swatanter Kumar, J

Bench: Single Bench

Advocate: None, for the Appellant; A.S. Grewal, D.A.G., for the Respondent

Judgement

Swatanter Kumar, J.

These 28 appeals have been mentioned by the claimants against the judgment and award of the learned Additional

District Judge, Patiala, dated 8.6.1992. The land measuring about 259 Bighas 11 Biswas was acquired vide notification u/s 4 of the Land

Acquisition Act, hereinafter referred to as the Act, dated 14.6.1988, for setting up an industrial focal point at Dera Bassi. The learned Additional

District Judge had enhanced the compensation from Rs. 75,000/- per acre as awarded by the Collector to Rs. 1,00,000/- per acre. 28 references

were answered by the learned Additional District Judge vide the impugned judgment and the lead case being Palwinder Singh's case. The only

documentary evidence in this case was Exhibits A.1 to A. 10, copies of the sale deeds tendered by the claimants and Exhibits Rule 1 to Rule 6

again copies of the sale deeds tendered on record by the respondents. There was not oral or any other documentary evidence on record.

2. From the judgment of the learned Additional District Judge it appears that he did not take into consideration any of the sale deeds tendered on

record by either party for varied reasons like post notification relating to other village, not giving proper location and value etc.

3. The facts and evidence on record in the present appeals is similar to the situation arising in Regular First Appeal No. 1334 of 1993, titled

Baksha Singh v. State of Punjab. In that case also, the land was acquired for the same purpose vide notification of the same date, though from the

revenue estate of a different village.

4. For the reasons stated in the said judgment of even date, pronounced in the case of Baksha Singh v. State of Punjab, the judgment of the

learned Additional District Judge, Patiala, dated 8.6.1992, impugned in all these 28 appeals is hereby set aside and the case is remanded to the

learned Court below, with the following directions:-

i) All the matters arising from the 28 awards afore-referred are hereby set aside and are remanded to the learned Court below for adjudication in

accordance with law.

ii) All these matters are hereby directed to be consolidated and the evidence by the parties would be led in the case of Palwinder Singh and Anr. v.

State of Punjab, L.R. No. 21 of 13.12.1991.

iii) All the claimants would be permitted to lead evidence in the case of Palwinder Singh and another to prove the sale instances which have been

produced on record, in accordance with law.

iv) The evidence already led by the parties in various cases would also be permitted to be evidence in the lead case so as to avoid any prejudice to

any party. The net result of the direction is that the decision would be taken on the basis of the collective evidence already led and which now may

be adduced by the parties in furtherance to this order of remand.

v) If any application for additional evidence for producing additional sale deeds or relevant documents by either parties is filed, the same shall be

dealt with by the learned Court below in accordance with law and keeping in mind the relevancy of such documents to the matters in issue. The

said application shall be entertained by the learned trial Court if filed within 2 weeks from the date of first appearance in that Court.

vi) The learned trial Court is requested to endeavour its best to complete the proceedings and pronounce the awards as expeditiously as possible

probably within a period of six months from the date certified copy of this order is placed on the record of the trial Court.

vii) The parties are directed to appear before the learned trial Court on 12.2.2000.

Appeals are accordingly disposed of.