
Karnal Singh and Others Vs Union of India (UOI) and Others

Civil Writ Petition No. 721 of 1990

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Dec. 21, 1990

Acts Referred:

Constitution of India, 1950 " Article 226, 227#Land Acquisition (Amendment) Act, 1984 " Section 28A#Land Acquisition Act, 1894 " Section 23(1A), 23(2), 28

Citation: (1991) 99 PLR 451

Hon'ble Judges: Amarjeet Chaudhary, J

Bench: Single Bench

Advocate: A.L. Bansal, for the Appellant; H.S. Brar, Senior Standing Counsel, for the Respondent

Judgement

Amarjeet Chaudhary, J.

In this writ petition directed against the order of the Special Land Acquisition Collector, respondent No. 2, the

short question which arises for determination is as to which of the beneficial provisions of the Land Acquisition (Amendment) Act) 1984, the

petitioner are entitled to.

2. The fact are neither intricate nor disputed which, however, need be stated in order to decide the precise question involved in this writ petition.

The petitioners' land along with the land of other co-sharers was acquired vide Punjab Govt. Notification dated 9-10-1974 by the Defence

Department culminating in the announcement of the Award by the Land Acquisition Collector on 11-6-1975. After the disposal of the reference

application u/s 18 of the Act and the appeal by this Court, the Hon'ble Supreme Court of India in Civil Appeal No. 1963-1983 of 1986 Meher

Singh etc v. Union of India and Ors., Civil Appeal Nos. 1933-1983 of 1986 finally determined the market value of the acquired land of various

categories at the rates mentioned in the impugned Award which does not need to be detailed as on re-determination of compensation u/s 28A of

the Act respondent No. 3, has already granted the petitioners the same compensation. However, while granting statutory benefits, the Land

Acquisition Collector has found that the petitioners are entitled to solatium at the rate of 15 per cent and interest at the rate of 6 per cent on the re-

determined amount of compensation. The petitioners have challenged the order of respondent No. 3 and sought the indulgence of this Court for the

grant of all statutory benefits under the amended provisions of Land Acquisition Act, namely, the benefits under Sections 23(1-A), 23(2) and 28 of

the Amended Act No. 68 of 1984.

3. Admittedly, the petitioners' compensation has been re-determined u/s 28-A of the amended Land Acquisition Act and, therefore, they are

entitled to all the statutory benefits of the amended provisions of the Land Acquisition Act as has been laid down in Union of India and Others Vs.

Filip Tiago De Gama of Vedem Vasco De Gama, barring the statutory benefits conferred u/s 23(1-A) of the Act as the Award of the Land

Acquisition Collector in the present case was announced on 11-6-1975 not only qua the land of the other land owners but pertaining to the land of

the petitioners as well. In accordance with the law laid down by the apex court in Union of India's case (supra) the petitioners are entitled to all the

benefits under the amended provisions of the Land Acquisition Act except the benefits u/s 23 (1-A) of the Act.

4. The argument of the petitioners' counsel that the provision of Section 23 (1-A) of the Act applies to the case of the petitioners as the Award in

their case had been announced on 28-2-1989 has only to be stated to be rejected as on the above mentioned date respondent No. 3 has only re-

determined the amount of compensation in accordance with the judgment rendered by the apex Court in Mehar Singh's case (supra) and it cannot

be assumed that on 28-2-1989 the Collector has given the Award of compensation regarding petitioners' land. As regards the date of the Award

of the Land Acquisition Collector, the same would be deemed to be the date on which the Land Acquisition Collector gave the Award initially

Consequently while following the ratio laid down in Union of India's case (supra) the petitioners are held not entitled to the grant of statutory

benefits of the amended provisions of Section 23 (1-A) of the Act. Therefore, the relief to this extent is declined, whereas, the petitioners are found

entitled to the grant of statutory benefits of other amended provisions of Land Acquisition Act, that is, Sections 23 (2) and 28 of the Act.

5. In the light, of the observations made above, while allowing the writ petition partly, a writ of mandamus is issued and respondent No. 3 is

directed to grant the statutory benefits of the amended provisions of Sections 23 (2) and 28 of the amended Act. The petitioners in view of the

major success would have the costs of this petition. The order to be complied with preferably within six months.