

**IN THE PUNJAB AND HARYANA HIGH COURT AT  
CHANDIGARH**

***Date of Decision : 30.9.2013***

1.

**CWP No. 1322 of 2013**

Sunil Khosla

Versus

State of Punjab & others

\*\*\*\*\*

..... Petitioner

..... Respondents
2.

**CWP No. 1814 of 2013**

Sunil Khosla

Versus

State of Punjab & others

\*\*\*\*\*

..... Petitioner

..... Respondents
3.

**CWP No. 1954 of 2013**

Gurdeep Singh

Versus

State of Punjab & others

\*\*\*\*\*

..... Petitioner

..... Respondents
4.

**CWP No. 2212 of 2013**

Smt. Devinder Kaur

Versus

State of Punjab & others

\*\*\*\*\*

..... Petitioner

..... Respondents
5.

**CWP No. 3037 of 2013**

Parveen Kumari

Versus

Improvement Trust Patiala & others

\*\*\*\*\*

..... Petitioner

..... Respondents
6.

**CWP No. 3038 of 2013**

Lakhwinder Singh

Versus

Improvement Trust Patiala & others

\*\*\*\*\*

..... Petitioner

..... Respondents

7. CWP No. 3039 of 2013

Dhanwant Singh ..... Petitioner  
Versus  
Improvement Trust Patiala & others  
..... Respondents

\*\*\*\*\*

8. CWP No. 3040 of 2013

S. Amar Singh Ahluwalia ..... Petitioner  
Versus  
Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

9. CWP No. 3041 of 2013

Monaliza ..... Petitioner  
Versus  
Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

10. CWP No. 3042 of 2013

Smt. Rupinder Kaur .....  
Petitioner  
Versus  
Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

11. CWP No. 3043 of 2013

Rajinder Kaur & others ..... Petitioners  
Versus  
Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

12. CWP No. 3044 of 2013

Smt. Preetinder Kaur ..... Petitioner  
Versus  
Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

13. CWP No. 3045 of 2013

Jaswinder Kaur ..... Petitioner  
Versus  
Improvement Trust, Patiala & others  
..... Respondents  
\*\*\*\*\*

14. CWP No. 3046 of 2013

Shamsher Singh ..... Petitioner  
Versus  
Improvement Trust, Patiala & others  
..... Respondents  
\*\*\*\*\*

15. CWP No. 3047 of 2013

Tarlochan Singh ..... Petitioner  
Versus  
Improvement Trust Patiala & others  
..... Respondents  
\*\*\*\*\*

16. CWP No. 3048 of 2013

Mohan Singh ..... Petitioner  
Versus  
Improvement Trust Patiala & others  
..... Respondents  
\*\*\*\*\*

17. CWP No. 3049 of 2013

Amarjit Kaur ..... Petitioner  
Versus  
Improvement Trust Patiala & others  
..... Respondents  
\*\*\*\*\*

18. CWP No. 3075 of 2013

Smt. Balwant Kaur ..... Petitioner  
Versus  
Improvement Trust Patiala & others  
..... Respondents  
\*\*\*\*\*

19. CWP No. 3076 of 2013

Jaswant Singh  
Versus  
Improvement Trust Patiala & others  
..... Petitioner  
..... Respondents

\*\*\*\*\*

20. CWP No. 3083 of 2013

Surinder Singh  
Versus  
State of Punjab & others  
..... Petitioner  
..... Respondents

\*\*\*\*\*

21. CWP No. 3925 of 2013

Bimal Kishore & others  
Versus  
State of Punjab & others  
..... Petitioners  
..... Respondents

\*\*\*\*\*

22. CWP No. 4416 of 2013

Tej Kaur  
Versus  
State of Punjab & another  
..... Petitioner  
..... Respondents

\*\*\*\*\*

23. CWP No. 5019 of 2013

Zila Singh  
Versus  
State of Punjab & another  
..... Petitioner  
..... Respondents

\*\*\*\*\*

24. CWP No. 5107 of 2013

Zila Singh  
Versus  
State of Punjab & others  
..... Petitioner  
..... Respondents

\*\*\*\*\*

25. CWP No. 5110 of 2013

Safi Ahmed  
Versus  
State of Punjab & another  
\*\*\*\*\*  
..... Petitioner  
..... Respondents

26. CWP No. 14013 of 2013

Amanpreet Kaur & others  
Versus  
Improvement Trust Patiala & others  
\*\*\*\*\*  
..... Petitioners  
..... Respondents

27. CWP No. 14934 of 2013

Rameshwar Singh  
Versus  
State of Punjab & others  
\*\*\*\*\*  
..... Petitioner  
..... Respondents

28. CWP No. 14952 of 2013

Ram Mehar  
Versus  
State of Punjab & others  
\*\*\*\*\*  
..... Petitioner  
..... Respondents

29. CWP No. 19214 of 2013

Maya Devi & others  
Versus  
State of Punjab & another  
\*\*\*\*\*  
..... Petitioners  
..... Respondents

30. CWP No. 18457 of 2013

Devinder Singh & another  
..... Petitioners  
Versus  
Collector, Land Acquisition, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

31. CWP No. 18458 of 2013

Manjit Singh  
..... Petitioner  
Versus  
Collector, Land Acquisition, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

32. CWP No. 18460 of 2013

Manjit Singh  
..... Petitioner  
Versus  
Collector, Land Acquisition, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

33. CWP No. 18463 of 2013

Devinder Singh & another  
..... Petitioners  
Versus  
Collector, Land Acquisition, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

34. CWP No. 18527 of 2013

Manjit Singh  
..... Petitioner  
Versus  
Collector, Land Acquisition, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

35. CWP No. 5849 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

36. CWP No. 5850 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

37. CWP No. 5851 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

38. CWP No. 5852 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

39. CWP No. 5853 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

40. CWP No. 5854 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

41. CWP No. 5855 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

42. CWP No. 5856 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

43. CWP No. 5857 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

44. CWP No. 5858 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*



45. CWP No. 5859 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

46. CWP No. 5861 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

47. CWP No. 5862 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

48. CWP No. 5864 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

49. CWP No. 5866 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

50. CWP No. 5867 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

51. CWP No. 5868 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

52. CWP No. 5869 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

53. CWP No. 5870 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

54. CWP No. 5871 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

55. CWP No. 5882 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

56. CWP No. 5884 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

57. CWP No. 5885 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

58. CWP No. 5888 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

59. CWP No. 5889 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

56. CWP No. 5891 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

61. CWP No. 5892 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

62. CWP No. 5895 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

63. CWP No. 5897 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

64. CWP No. 5898 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

65. CWP No. 5899 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

66. CWP No. 5900 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

67. CWP No. 5901 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

68. CWP No. 5902 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

69. CWP No. 5905 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

70. CWP No. 5907 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents  
\*\*\*\*\*

71. CWP No. 5909 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents  
\*\*\*\*\*

72. CWP No. 5910 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents  
\*\*\*\*\*

73. CWP No. 5912 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents  
\*\*\*\*\*

74. CWP No. 5919 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents  
\*\*\*\*\*

75. CWP No. 5920 of 2013

Patiala Improvement Trust, Patiala  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Petitioner  
..... Respondents  
\*\*\*\*\*

76. CWP No. 6978 of 2013

Patiala Improvement Trust, Patiala  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Petitioner  
..... Respondents  
\*\*\*\*\*

77. CWP No. 6979 of 2013

Patiala Improvement Trust, Patiala  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Petitioner  
..... Respondents  
\*\*\*\*\*

78. CWP No. 6982 of 2013

Patiala Improvement Trust, Patiala  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Petitioner  
..... Respondents  
\*\*\*\*\*

79. CWP No. 6989 of 2013

Patiala Improvement Trust, Patiala & others  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Petitioners  
..... Respondents  
\*\*\*\*\*

80. CWP No. 6996 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

81. CWP No. 7016 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

82. CWP No. 7447 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

83. CWP No. 7451 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioner  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*

84. CWP No. 9146 of 2013

Patiala Improvement Trust, Patiala  
..... Petitioners  
Versus  
The Land Acquisition Tribunal, Improvement Trust, Patiala & others  
..... Respondents

\*\*\*\*\*



**CORAM : HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Sandeep Khunger, Advocate  
for the petitioners (in CWP Nos. 5849, 5850, 5851, 5852, 5853, 5854, 5855, 5856, 5857, 5858, 5859, 5861, 5862, 5864, 5866, 5867, 5868, 5869, 5870, 5871, 5882, 5884, 5885, 5888, 5889, 5891, 5892, 5895, 5897, 5898, 5899, 5900, 5901, 5902, 5905, 5907, 5909, 5910, 5912, 5919, 5920, 6978, 6979, 6982, 6996, 7016, 7447, 7451, 6989 of 2013)

For the respondents (in CWP Nos. 1322, 1814, 1954, 2212, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3075, 3076, 3083, 3925, 4416, 5019, 5107, 5110, 14013, 18457, 18458, 18460, 18463, 18527 of 2013)

Mr. S.S. Brar, Advocate  
for the petitioner in CWP No. 9146 of 2013.

Mr. Balbir Singh, Advocate  
for the petitioners in CWP Nos. 18457, 18458, 18460, 18463, 18527 of 2013.

Mr. Anupam Singla, Advocate  
for the petitioners (in CWP No. 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3075, 3076 of 2013)  
for the respondents-Land owners (in CWP No. 5851, 5856, 5858, 5864, 5882, 5895 and 5907 of 2013)

Mr. Sameer Sachdeva, Advocate  
for the petitioner(s) (in CWP Nos. 3925 and 9847 of 2013)

Mr. Animesh Sharma, Advocate  
for the petitioner (in CWP No. 4416 of 2013)

Mr. Dhirinder Chopra, Advocate  
for the petitioner(s) (in CWP Nos. 5019, 5107, 5110 & 19214 of 2013)  
for the respondents (in CWP Nos. 5867, 5868 & 7447 of 2013)

Mr. Sanjiv Gupta, Advocate  
for the petitioners (in CWP Nos. 1322, 1814, 1954, 2212 and 3083 of 2013).  
for respondent No. 7 (in CWP No. 5919 of 2013)  
for the respondents (in CWP Nos. 5849, 7451 of 2013).

Mr. Hardip Singh, Advocate  
for petitioner (in CWP No. 14934, 14952 of 2013)  
for respondent Nos. 3 to 5 (in CWP No. 5854 & 18527 of 2013)  
for respondent Nos. 3 to 7 (in CWP No.18463 of 2013)  
Mr. A.S. Narang, Advocate  
for respondent No.3 (in CWP No. 5850 of 2013)

Mr. Vishwajit Bedi, Advocate  
for respondent No.3 (in CWP No. 1322 of 2013)

Mr. Ayush Arora, Advocate  
for respondent No.3 (in CWP No. 5859 of 2013)

Mr. I.S. Sidhu, Advocate  
for respondent(s) (in CWP No. 14013 of 2013.)

Mr. Gurinder Singh Attariwala, Advocate  
for respondent No.2 (in CWP Nos. 14934 and 14952 of 2013)

Mr. J.S. Puri, Addl. A.G., Punjab.

\*\*\*\*

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**SURINDER GUPTA, J.**

The Land Acquisition Tribunal, Patiala (hereinafter referred to as 'the Tribunal') vide award dated 28.9.2012 disposed of 49 Land References originating from the common Award No. 1 of 2001 dated 19.11.2001 passed by the Land Acquisition Collector, Patiala relating to the acquisition of 42 acres of land of village Ablowal vide notification dated 12.12.1998 issued under Section 36 of Punjab Town Improvement Act. The Land Acquisition Collector

vide award dated 29.11.2001 awarded compensation for the acquired land @ ₹214/- per square yard while separate compensation was assessed for the structures and trees on the spot.

2. Not satisfied with the compensation awarded, landowners initiated proceedings under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act') which were referred to the Tribunal. The petitioners have alleged that the rate of land on the date of publication of notification was not less than ₹5000/- per square yard. For acquisition of this land the notification was earlier issued in the year 1994 and the Land Acquisition Collector had recommended the market value at ₹750/- per square yard (Ex. P-19/B), however due to lapse of statutory period, the scheme was dropped. A fresh notification was thereafter issued on 12.12.1998. In the proceedings relating to the earlier notification made in the year 1994, objections were raised on behalf of some of the landowners on 17.10.1997 that the prevalent rate of land at that time was ₹1000/- to ₹1,300/- per square yard. The landowners were put in a piquant situation when the earlier notification with regard to the land was allowed to lapse. The acquisition proceedings prevented the petitioners from constructing their houses. They were debarred from selling their land as well. No damages were paid to them on this score. They were further astonished when value of their acquired land was assessed at ₹214/- per square yard when in the previous notification the value of the land was recommended for approval @ ₹750/- per square yard.

3. The respondents contested the claim of the petitioners in their replies. This fact was admitted that the market value of the land was recommended at ₹750/- per square yard in the earlier acquisition proceedings but the same could not be finalised within the stipulated period and automatically lapsed. The acquisition proceedings were started afresh as per the notification issued in the year 1998 and the market value of the land was correctly assessed on the basis of the evidence on the file. The rate assessed in the earlier notification had no bearing on the case in hand.

4. All the 49 land references were consolidated and the following issues were framed by the Tribunal :-

- i) Whether the amount of compensation awarded by the Land Acquisition Collector is inadequate and needs enhancement?
- ii) Whether the State of Punjab is entitled to apportionment of the amount of compensation if so to what effect?OPR

5. The issue No.2 was found redundant. While recording the finding on issue No.1 the Tribunal observed that the price of the land, which was being assessed at ₹750/- per square yard as per the earlier notification of the year 1994, could not come down to ₹214/- per square yard in the year 2001. It thus allowed compensation at the rate of ₹750/- per square yard and also allowed the increase in value of the fruit and non-fruit trees by 40%, however, the compensation for the structure was not enhanced.

6. Still being dis-satisfied with the compensation of the land, structure and trees fixed by the Tribunal, the landowners have come

up with the civil writ petitions seeking further enhancement, while the Improvement Trust Patiala has filed separate writ petitions challenging the enhancement of value of land and trees by the Tribunal.

7. We have heard learned counsel for the parties and have also perused the Tribunal's record with their assistance.

8. Learned counsel for the petitioner(s) representing the landowners argued that the Tribunal has ignored the vital evidence in the shape of sale deeds that has come on file. The notification under Section 36 of the Punjab Town Improvement Act for acquisition of land was issued on 12.12.1998. The petitioners have placed on file the sale deeds of the period around 12.12.1998 showing the prevalent market value of the land in open market, which is also depicted in the chart given in paragraph 15 of the LAC award but the Tribunal has ignored those instances without giving any valid reason. The Tribunal has allowed the compensation of the acquired land @ ₹750/- per square yard, which was fixed for the subject acquisition in the year 1994 for the same land of village Ablowal. That project was later on dropped as the acquisition proceedings could not be completed in time. Even if the Tribunal had to rely upon the price of land fixed in the year 1994 by the Collector @ ₹750/- per square yard, the addition in the value @ 12% per annum should have been allowed over and above the rate prevailing in the year 1994. In this regard reliance has been placed on the judgment of this Court in

**CWP No. 5173 of 1997** titled **Rajeshwar Nath (Dead) through**

***L.Rs. vs. State of Haryana & others***, decided on 30.07.2013, wherein 12% per annum increase has been allowed while assessing compensation of the land acquired at Panipat. Reliance was also placed on the judgments of the Hon'ble Supreme Court in (i) ***Krishi Utpadan Mandi Samiti Sahaswan District Badaun through its Secretary v. Bipin Kumar and Anr., 2004(1) SCC 283***, (ii) ***The General Manager, Oil & Natural Gas Corporation Ltd. v. Rameshbhai Jivanbhai Patel & Anr., 2008(14) SCC 745***, (iii) ***Jasarvinder Singh and others v. President, Land Acquisition Tribunal and others, 2013(1) RCR (Civil) 555*** and (iv) ***Valliyammal and another v. Special Tahsildar (Land Acquisition) and another 2011(3) R.C.R. (Civil) 903***. It has further been argued that the sale deed No. 5340 dated 9.8.1999 (Ex. PW18/M) is one of the best instance produced before the Tribunal which could be taken as basis to ascertain the market value of the acquired land. This sale though pertains to the year 1999 and was about eight months after the notification under Section 36 of the Act but it was a *bona-fide* and genuine transaction. It pertains to sale of 13 Bigha-4 Biswas of land @ ₹784/- per square yard. Vide sale deed No. 12376 dated 4.2.2000 (Ex. PW18/L) the land measuring one Biswa was sold @ ₹800/- per square yard. It has been argued that most of the claimants possessed small plots which they had purchased for residential purposes, as such, no cut at which the sale deed Ex. PW18/L and Ex. PW18/M were executed, can be applied while assessing the market price. Learned counsel for the claimants in this regard have

relied upon ***Thakur Kuldeep Singh (D) Thr. L.R. & others v. Union of India & Ors. 2010(3) SCC 794.***

9. In the meeting of the District Price Fixation Committee dated 6.11.2000 strange yardstick was adopted while assessing the market value of the acquired land @ ₹214/- per square yard. The matter discussed was as to what would be the total amount of compensation payable including the solatium, additional value and interest after excluding about 50% of the acquired land for development purposes. The factors weighing in the mind of the Committee were as if 50% land to be used for the development purposes was to be given free of cost to the Improvement Trust. After calculating the expenses which the Improvement Trust had to incur as per the resolution dated 16.10.2000 including the costs of the land required for development i.e. about 50% of the acquired area, it was found that the cost of the land will be around ₹760/- per square yard, which shall be exceeding the market value prevailing at the relevant time. This depicts that it was lurking somewhere in the mind of the Committee that the prevailing price of the land at that time i.e. in the year 1997 was more than ₹750/- per square yard. The proceedings of the District Price Fixation Committee (Ex. PW19/D) are thus vague, one-sided and have no documentary strength to sustain, as such, the same cannot form the basis of assessing the actual market value of the acquired land as it prevailed in the year 1998.

10. On behalf of the Improvement Trust it has been argued that even if the sale instances produced before the Tribunal are taken

as instances of prevailing market price of the acquired land yet the value of the acquired land could not be assessed @ ₹750/- per square yard as has been done by the Tribunal. There is not even a single sale instance of the year 1998 to suggest that the value of the land was more than ₹750/- per square yard except in the case of the purchase of commercial plots or shops. Regarding the price of ₹750/- per square yard fixed in the year 1994 by Collector for the subject acquired land, it was sought to be explained that the same can not serve as a precedent because that price was never approved or allowed. The onus was on the petitioners to prove the prevailing price by leading independent and cogent evidence which they have utterly failed. Since the Tribunal has fixed the price of the land more than the prevailing price, the petitioners, in any case, are not entitled to further enhancement of compensation for their acquired land, structure or trees. It has further been argued that pursuant to the acquisition process notified in the year 1994, the Deputy Commissioner, Patiala recommended the price of the land at village Ablawal @ ₹750/- per square yard. These recommendations have been relied upon by the Tribunal without looking into the aspect as to whether the same has been approved by the Government or whether there was any basis for the recommendation of price @ ₹750/- per square yard. The rate of the acquired land @ ₹214/- per square yard was assessed by the District Price Fixation Committee in its meeting dated 6.11.2000 (Ex. PW19/D) and this was approved by the State Government vide letter dated 11.1.2001. The Tribunal has ignored



this material piece of evidence without assigning any reason. This assessment was based on the average price prevailing at village Ablowal. In the absence of any sale instances or the material to reach a different conclusion the Tribunal has committed a grave error of law and facts while relying upon the un-approved recommendations (Ex. PW19/B) made by the Revenue Authorities. It was submitted that the Tribunal was required to base its conclusion on the basis of the material that has come on file and not simply on the basis of one recommendation, which had no factual or legal basis and particularly when the same Committee later on recommended a lower price for the same land. Learned counsel substantiated his arguments with the help of observations of Hon'ble Supreme Court in the cases of (i) ***Trishala Jain and another v. State of Uttaranchal and another* 2011 AIR (SC) 2458**, (ii) ***Mehrawal Khewaji Trust (Regd.), Faridkot and others v. State of Punjab and others*, 2012(2) RCR (Civil) 893** and (iii) ***Prabhakar Raghunath Patil and others v. State of Maharashtra*, 2010(13) SCC 107**.

11. We have given our careful thought to the respective submissions of counsel for the parties. The petitioners have claimed that the price of the land at the time of acquisition was more than ₹1500/- per square yard. In order to prove their contentions they have placed on file the following sale instances which are also taken notice by the Tribunal :-

Sr. No.	Exhibit	Details	Regarding sale of land	For Rs. i.e. @ rate of	Location	Per Sq. yds
1	Ex. P1	Dated 5.6.1963	1 Bigha	Rs 1500/-	Ablowal	
2		xx		xx		xx
3	Ex. PW	4739 dated 7.4.1994	0B-6B (300)	75000/-	Ablowal	150/-
4	Ex. PW-18E	1689 dated 19.5.1997	0B-9B 438	1,90,500/-	Ablowal	250/-
5	Ex. PW 18-F	11495 dated 10.2.1998	0-B-6B 272.22	1,90,000/-	Ablowal	400/-
6	Ex. PW-18/G	4244 dated 13.7.1998	0B-8B 400	2,00,000/-	Ablowal	500/-
7	Ex. PW-18/H	11414 dated 17.2.1998	0B-3B 150	60,000/-	Ablowal	400/-
8	Ex. PW-18-I	2721 dated 29.5.2001	0B-8B	4,00,000/-	Ablowal	1041/-
9	Ex. PW-18J	9747 dated 22.12.1998	0B-5B 414	1,66,000/-	Ablowal	401/-
10	Ex. PW-18-K	10250 dated 4.1.1999	0B-5B 250	1,37,500	Ablowal	550/-
11	Ex. PW-18-L	12376 dated 4.2.2000	0B-1B 50	40,000/-	Ablowal	800/-
12	Ex. PW-18-M	5340 dated 9.8.1999	13-B-4B 102	80,000/-	Ablowal	784/-
13	Ex. AX/5	2209 dated 19.9.1994	13B-4B 13100	1,95,000/-	Ablowal	14.88/-
14	Ex. AX/6	14364 dated 19.9.1994	4B-19B 4950	68000/-	Ablowal	13.70/-
15	Ex. AX/7	2327 dated 13.6.1997	4B-0B	54,400/-	Ablowal	13.60/-
16	Ex. AX/11	5088 dated 19.9.1994	13B-8B 13100	1,95,000/-	Ablowal	14.50/-

Sr. No.	Exhibit	Details	Regarding sale of land	For Rs. i.e. @ rate of	Location	Per Sq. yds
17	Ex. P-24	9189 dated 3.12.1997	0B-0.5B 28	1,06,000/-	Ablowal	Shop
18	Ex. P-25	Dated 17.4.1998	5B (55.6) 0B	90,000/-		Plot
19	Ex. P-25-C Ramesh war	4746 dated 2.5.1994	0B-4B 200	90,000/-		shop
20	Ex. P-25/D	Dated 17.4.1998	0B-5B 55.6	1,90,000		shop
21	Ex. P-25/E	9189 dated 3.12.1997	0B-0.5B 28	1,06,000/-		shop
22	Ex. P-26	9189 dated 3.12.1997	0B-0.5B 28	1,06,000/-		shop

Sale deed produced by the respondents :-

1.	Ex. RW/5-J	486 dated 17.4.1998	1B-8.5B 1424	1,95,000/-	137/-
2.	Ex. RW/5-K	12680 dated 20.3.1998	1B-8.5B 1424	1,55,000/-	108.84/-
3.	Ex. RW/5-L	11744 dated 23.2.1998	0B-4B 210	50,000/-	238/-

12. The perusal of above instances show that the maximum price, as mentioned in the sale deed No. 2721 dated 29.5.2001, is ₹1041/- per square yard. This sale deed pertains to purchase of 8 Biswas of land. This sale instance is after the notification under Section 36 of Punjab Town Improvement Act, issued in the year 1998. Another sale instance is of sale deed No. 12376 dated 4.2.2000 vide which 1 Biswa of land was purchased for ₹40,000/- i.e. @ ₹800/- per square yard. There is yet another instance of sale deed No. 5340 dated 09.09.1999 (Ex. PW18/M) for land measuring

13 Bigha-4 Biswas purchased @ ₹784/- per square yard.

13. These sale transactions even if taken as the best instances giving indication of the prevailing price of the land at village Ablowal in the year 1998 do not depict that the rate of the acquired land in the year 1998 was ₹1500/- per square yard as claimed by the petitioners. It is true that the land measuring 42 Acres notified for acquisition on 12.12.1998 under Section 36 of the Punjab Town Improvement Act is situated on Patiala -Nabha State Highway and is very close to the residential areas like Model Town, Centuary Enclave, Majithia Enclave, Punjab Roadways Workshop, Thaper College etc. The claimants are mostly the plot owners who had purchased residential plots in the vicinity for constructing their houses. The Improvement Trust has acquired this land for residential and commercial purposes. It has been stated by RW3-Sh. Satish Kumar Garg, Assistant Engineer appearing on behalf of the Improvement Trust that the acquired land is surrounded by ITI, Patiala on one side Centuary Enclave and Majithia Enclave on the other side. Rajesh Kumar, Superintendent, Improvement Trust, Patiala while appearing as RW5 has stated that at present there are colonies like Centuary Enclave, Gurdarshan Enclave etc. around the acquired land. However, he has tried to clarify that at the time of acquisition no such colonies were existing. This fact is admitted that the acquired area falls within the Municipal limits, Patiala. The Improvement Trust, Patiala used 60% of the acquired land for residential/commercial purposes. In the first auction the reserve

prices was ₹2200/- per square yard but he was not aware of the highest bid given at the time of auction of the plots. Later on prices of the plots were enhanced to ₹6,000/- per square yard in the year 2007 of the plot of 100 square yards size and ₹8,000/- per square yard of the plot of 500 square yards size.

14. There were about 26 houses on the acquired land out of which 11 were exempted and 15 were acquired and later on demolished. He has also admitted that Centuary Enclave was in existence in the year 1998 and this Enclave comes after the acquired land if one moves from Patiala to Nabha. He has further admitted that on one side of the acquired land there was ITI and PRTC Workshop and on the other side there were colonies, which were not fully developed by that time. Even in the brochure published by the Improvement Trust, Patiala (RW5/6), this fact is mentioned that on one side of the acquired land there is Majithia Enclave and Centuary Enclave, which are already developed colonies. The above evidence produced by the respondents before the Tribunal show that the acquired land was having great potential for development as a residential or commercial area. It was undoubtedly not an agricultural land. The land which was far away from the acquired land had already developed in the shape of Centuary Enclave and Majithia Colony. This land was sought to be acquired in the year 1994 when a big chunk of land measuring about 115 acres was notified. The contention of learned counsel for the claimants that the notification made in the year 1994 under Section 36 of the Punjab Town

Improvement Act was allowed to be elapsed with ulterior motive and in the second notification dated 12.12.1998 only 42 acres of land was acquired while the remaining 73 acres of land was released to oblige affluent and well placed persons but the development of this piece of land was stalled, is not without substance and is rather supported by the facts on record.

15. The nature of the land, its suitability and user at the time of notification coupled with the sale transactions and decision of Price Fixation Committee in meeting dated 18.8.1997 are the factors, which are to be looked into for adjudicating the compensation to be allowed for the acquired land. The Hon'ble Supreme Court in **Thakur Kuldeep Singh's** case (supra) observed as follows:-

*“6) Sections 23 and 24 of the Act speak about the matters to be considered and to be neglected in determining compensation. Let us consider whether the appellants are entitled to higher compensation than that of the one fixed by the High Court or Union of India is justified in seeking reduction of the market value/compensation for the acquired land. While fixing compensation, it is the duty of the Land Acquisition Collector as well as the Court to take into consideration the nature of the land, its suitability, nature of the use to which the lands are sought to be acquired on the date of notification, income derived or derivable from or any other special distinctive feature which the land is possessed of, the sale transactions in respect of land covered by the same notification are all relevant factors to be taken into consideration in determining the market value. It is equally to consider the suitability of neighbourhood lands as are possessed of similar potentiality or any advantageous features or any special characteristics available. The Land Acquisition*

*Collector as well as the Court should always keep in their mind that the object of assessment is to arrive at a reasonable and adequate market value of the land. While doing so, imagination should be eschewed and mechanical assessment of evidence should be avoided. More attention should be on the bona fide and genuine sale transactions as guiding star in evaluating the evidence. The relevant factor would be that of the hypothetical willing vendor would offer for the land and what a willing purchaser of normal human conduct would be willing to buy as a prudent man in normal market conditions prevailing in the open market in the locality in which the acquired lands are situated as on the date of notification under Section 4(1) of the Act. In other words, the Judge who sits in the armchair of the willing buyer and seek an answer to the question whether in the given set of circumstances as a prudent buyer he would offer the same market value which the court proposed to fix for the acquired lands in the available market conditions. The market value so determined should be just, adequate and reasonable.”*

16. In **Trishala Jain's** case (supra) the Hon'ble Apex Court observed that:-

*“27. ‘Guess’ as understood in its common parlance is an estimate without any specific information while ‘calculations’ are always made with reference to specific data. ‘Guesstimate’ is an estimate based on a mixture of guesswork and calculations and it is a process in itself. At the same time ‘guess’ cannot be treated synonymous to ‘conjecture’. ‘Guess’ by itself may be a statement or result based on unknown factors while ‘conjecture’ is made with a very slight amount of knowledge, which is just sufficient to incline the scale of probability. ‘Guesstimate’ is with higher certainty than mere ‘guess’ or a ‘conjecture’ per se.*

*28. The concept of 'guesswork' is not unknown to various fields of law. It has been applied in cases relating to insurance, taxation, compensation under the Motor Vehicles Act as well as under the Labour Laws. All that is required from a Court is that such guesswork has to be used with greater element of caution and within the determinants of law declared by the Legislature or by the Courts from time to time.*

*In the case of **Charan Dass vs. Himachal Pradesh Housing & Urban Development Authority, (2010) 13 SCC 398** the Apex Court viewed that "**Undoubtedly, an element of some guess work is involved in the entire exercise, yet the authority charged with the duty to award compensation is bound to make an estimate judged by an objective standard.**"*

*(emphasis supplied)*

17. Applying these principles laid down by the Hon'ble Apex Court to the facts of the present case, it is to be seen that the best sale instances in this case showing the highest price of ₹401/- per square yard is the sale deed No. 9747 dated 22.12.1998 ( Ex. PW-18J) vide which a plot of 5 Biswas was purchased. The other sale transactions were either prior to the date of acquisition or afterwards. The sale deed No. 12376 dated 4.2.2000 (Ex. PW18/L) was executed about 14 months after the issuance of notification under Section 36 of the Act, as such, is not relevant. In the same manner, the sale transaction vide sale deed No. 5340 dated 9.8.1999 ( Ex. PW-18/M) was about eight months after the notification and that also is liable to be ignored both the sale deeds do reflect that the price of the land at village Ablowal was hovering around ₹700/800 per square



when the notification dated 12.12.1998 was issued. Vide sale deed No. 2721 dated 28.5.2001 ( Ex. PW18/I) a plot of 8 Biswas was sold @ ₹1041/- per square yard. As against these, the sale instances produced by the Improvement Trust are irrelevant as two of the instances are of value lesser than awarded by the Collector. Even the report of Revenue Authorities, Ex. P-19/D goes against these sale instances, as such, there is no ground for the Improvement Trust, Patiala to seek reduction in the compensation awarded by the Tribunal.

18. The question that arises for consideration is whether the sale transactions which have come on file be given precedence or the recommendations made by the Deputy Commissioner about the market value of the land, is more relevant for determining the market value of the acquired land? It is an admitted fact that the Deputy Commissioner, Patiala approved the market value of the acquired land in the meeting held on 18.3.1997 @ ₹750/- per square yard i.e. ₹36,30,000/- per acre. This meeting was convened to determine the rate of the land acquired by the Improvement Trust i.e. the land in question. It was discussed in this meeting that the market price of the land at village Ablowal was not less than ₹750/- per square yard in any manner. The officers of the Improvement Trust did not refute this market value but their only apprehension was that the land owners even after receiving the compensation @ ₹750/- per square yard for their land, may seek further enhancement through the legal channel.

After deliberating on this point the Committee decided that the

'undertaking' be obtained from landowners that they will accept the price of ₹750/- per square yard of the acquired land and will not approach any Court against the said determined rate. This rate was recommended to the Government for acceptance. The notification made in the year 1994, however, lapsed and fresh notification was issued on 12.12.1998. Again a meeting of the District Price Fixation Committee was held wherein the market value of the acquired land was assessed at ₹214/- per square yard. Instead of assessing the market value, it was attempted in this meeting to find out as to how much compensation the Improvement Trust was required to pay. The earlier recommendations and the facts discussed in the meeting dated 18.8.1997 were neither considered nor any reason was given to differ with the same.

19. It is clear from the above discussed facts that the market value of the acquired land @ ₹214/- per square yard was assessed arbitrarily and under the rule of thumb. The price so fixed was even below the average price of land at village Ablowal discussed in the meeting dated 18.8.1997, which was ₹234/- per square yard. It is well known that the price of land usually have upward trend and there is escalation of the price of land particularly when actual development around a particular pocket of land has already taken place.

20. The onus was on the claimants to prove the prevailing price of the land at the time of acquisition in and around the area where the acquired land is situated. The best piece of evidence relied upon by them was the recommendations made by the Deputy

Commissioner, as per the decision taken in the meeting held on 18.8.1997 with regard to the prevailing value of the acquired land. The abovesaid evidence being an official document has been rightly relied upon by the Tribunal, more so when no contrary evidence to rebut its presumption was led by Trust.

21. We may also mention that as per the report of Sub Divisional Magistrate, Patiala, which is based on the report of Patwari and Tehsildar, Patiala, the prevailing price of land in village Ablowal was around ₹1,000 to ₹1200/- per square yard. The price of the commercial plot on Nabha road was narrated as around ₹3,400/- per square yard. This report is dated 7.7.1997. The revenue officials have made this report after verification from the spot and making inquiries. This fact cannot be ignored that the acquisition proceedings of the land of village Ablowal were initiated in the year 1994 when the notification under Section 36 of the Punjab Improvement Trust Act was issued. The matter was kept pending till the year 1998 when the previous acquisition proceedings lapsed and fresh notification dated 12.12.1998 was issued under Section 36 of the Town Improvement Trust Act. As a result of this, the sale transactions in the area of village Ablowal got freezed and resulted in lack of sale precedents. The sale transactions pertaining to the year 1998 which have come on file may be pertaining to the land far away from the road, because on the main Patiala-Nabha road the land was acquired by the Improvement Trust for its scheme. Another fact which has come on file is that most of the landowners were only having small plots, which

they appear to have purchased for construction of houses or small shops. This reflect that they have not purchased the land for 'agricultural purposes'. The value of their acquired land is to be taken as that of a plot and not a big chunk of agricultural land by making any deductions as urged by counsel for the Improvement Trust. The observations in ***Mehrawal Khewaji Trust (Regd.), Faridkot and others vs. State of Punjab and others, 2012(5) SCC 432, Trishala Jain and another*** (supra) and ***Prabhakar Raghunath Patil and others*** (supra) are inapplicable to the facts of the present case as the Tribunal has not assessed the compensation based on the price of small pieces of land. It has relied upon the prevailing price of the land as assessed in the area by the revenue authorities.

22. The site plan Ex. PW27/B gives the location of the land in dispute. From the site plan it is clearly made out that it is situated near Thapper Deemed University which is a reputed institution in Patiala District. There is a PRTC Whorkshop and ITI, Patiala adjoining the acquired land on one side and on the other side there is Centuary Enclave which is admittedly a developed residential colony. On the backside of the acquired land there was Gurdharshan Nagar and Model Town and Majithia Enclave are also nearby. All this is indicative of the fact that the acquired land had all the potentials to be developed for residential/ or commercial purposes. This is why the Improvement Trust, Patiala also again acquired this land even after its first notification for acquisition lapsed. This fact is also admitted that there were scattered houses built up on this land out of which

some were released and some were acquired. Even otherwise when the land beyond and behind the acquired land had developed into a residential/commercial area there were no reason why this would not have developed as such. This is the reason that the claimants have opted for purchasing small plots for their residential purposes in this area.

23. The meeting of the District Price Fixation Committee was held on 18.8.1997 when the price of the acquired land was assessed @ ₹750/- per square yard on the basis of the report of the revenue authorities Ex. PW-19/C. This is the best evidence which the claimants could rely upon. The perusal of the proceedings and the report Ex. PW-19/C reflect that the prevailing price of land was assessed in July, 1997 and not what prevailed in 1994. It has been clearly stated by the revenue authorities in the report that the prevailing price at the spot was around ₹1000 to ₹1200/- per square yard and of the commercial plots on Nabha road ₹3,400/- per square yard. Even non-approval of the rate suggested by District Price Fixation Committee by the State Government would not mean that the market value of the land prevailing in the year 1997 was less than that as recommended by the Committee. The fresh notification under Section 36 of the Punjab Town Improvement Act was issued on 12.12.1998 i.e. after about one year of the meeting dated 18.8.1997 of the District Price Fixation Committee, Patiala. In **Valliyammal and another** (supra) 10% per annum escalation in the price of the land specified in the sale deed relied upon for fixing the market value was

allowed and in **General Manager, Oil & Natural Gas Corporation Ltd.** (supra), the same was allowed @ 7.5% per annum. In case **Krishi Utpadan Mandi Samiti Sahaswan District Badaun through its Secretary** (supra) escalation in the market price was allowed @ 15% per annum. There is no and cannot be a straitjacket formula for assessing the increase in the price of the land per annum. We are thus inclined to follow the same pattern of increase as was allowed by this Court in **CWP No. 5173 of 1997** titled **Rajeshwar Nath (Dead) through L.Rs.** (supra). The claimants are accordingly held entitled to the increase of 12% per annum over the prevailing price of land in the year 1997 which was ₹750/- per square yard. The increase comes to ₹90/-. The market value of the land, as such, is assessed at ₹840/- per square yard when the notification dated 12.12.1998 was issued. The compensation of acquired land, as allowed by the Tribunal, is thus enhanced from ₹750/- per square yard to ₹840/- per square yard.

24. The Tribunal has allowed the market value of the structure as per the award of the Collector. It has been argued that the claimants examined Rajinder Singh, Approved Draftsman, Municipal Corporation, Patiala as PW-21. He has given the valuation report with regard to the acquired land and superstructure of Zila Singh and Kuldeep Kaur. In his report the value of the land was assessed @ ₹2000/- per square yard for residential plots and ₹5000/- per square yard for commercial plots without any supporting evidence. He assessed the value of the superstructure in the case of

Zila Singh @ ₹400/- per square feet and in case of Kuldip Kaur @ ₹360/- per square feet which again is vague and without any basis. He has neither mentioned in his report as to whether the construction was of 'A', 'B' or 'C' class. He applied the rates as prevailing in the year 2001. He made no reference to the CSR norms for calculating value of the superstructure. He did not even mention the age of the superstructure or applied any depreciation. The report of PW-21, Rajinder Singh, Approved Draftsman, Municipal Corporation, Patiala, as such has been rightly ignored by the Tribunal. There is no other evidence on file to form a different opinion than that of the Tribunal regarding the price of the superstructure over the acquired land.

25. No other point has been argued before us.

26. In view of our discussion above, the civil writ petitions filed by the Improvement Trust are dismissed. The writ petitions filed by the claimants are allowed and the price of the acquired land is assessed @ ₹840/- per square yard. The claimants shall also be entitled to benefits under Sections 23 & 28 of the Act over and above the market value as assessed by the Tribunal.

27. The parties are left to bear their own costs.

**(SURYA KANT)**  
**JUDGE**

**(SURINDER GUPTA)**  
**JUDGE**

**30.09.2013**  
**'Satyawan'**