

Om Prakash and Others

Vs

State of Punjab and Others

Civil Appeal Nos. 174 and 602-05 of 1982

(Ranganath Misra, S. Ranganathan JJ)

29.10.1987

ORDER

1. These appeals are by claimants whose lands have been included in a Development Scheme by the Patiala Improvement Trust under the Punjab Town Improvement Act of 1922. The publication under Section 36 of the Act corresponding to Section 4 of the Land Acquisition Act, was made on January 14, 1974. Action corresponding to Section 6 of the Land Acquisition Act was taken in December 1976 and the award was made in July 1978. As the entire compensation fixed was not offered, the appellants did not accept part payment of the compensation and filed writ petitions before the High Court challenging the proceedings on several grounds including delay. The plea of delay was rejected by the High Court on the ground that the writ petitions suffered from laches and approached the court belatedly. That is how these appeals have come to this Court by special leave.

2. It is not disputed that the award has been made on July 29, 1978. It is also not in dispute that several references have been made for fixing the proper market value of the property and are pending disposal. In the meantime the Land Acquisition Act has been amended in 1984 and provision for escalation of rates of interest and solatium has been made. There is no dispute that for the acquisition under the Punjab Town Improvement Act, 1922, the procedure laid down under the Land Acquisition Act, 1894 applies.

3. The entire compensation money as per award has not been paid. Counsel for the Trust, respondent 2, agrees that money is available now and can be paid within the any period as we direct. We, therefore, require the respondent-authorities to deposit the money with the Land Acquisition Officer within two weeks hence for disbursement in terms of the award. The Land Acquisition Officer shall disburse the amount within two weeks thereafter.

4. As we have already stated references are pending for fixing of the appropriate market value. Counsel for the respondent have agreed that the provisions of the amending Act shall apply and escalated rates provided therein would be available. The referee court shall take into account the submissions that compensation has been assessed at the rate of Rs. 6 and Rs. 8 per sq. yd. whereas market value is higher. The parties will be free to lead evidence in support of their claim based upon potential value. We are sure that court would give reasonable opportunity to the parties to lead evidence in support of their respective stands. The matter appears to have been pending for a long time; we direct the court to dispose of the references within a total period of four months from today. All interim orders stand vacated. The appeals are disposed of.

5. No costs.

</html