

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2149/2010

STATE OF PUNJAB & ANR.

APPELLANT(S)

VERSUS

PARAMPRIT SINGH GILL (DEAD) THR. LRS.

RESPONDENT(S)

O R D E R

The respondent (now deceased-represented by his Lrs.) filed a writ petition in the High Court for a direction to the Appellant-State for allotment of 50 acres of land in the State of Punjab as provided in the instructions dated 31.10.1960, in lieu of confiscation of his father's land by the British Government for participation in a national movement. In the alternative, respondent prayed for adequate compensation for the said land. Respondent stated in the writ petition that his father S. Sampuran Singh made a representation to the Government of Punjab on 11.12.1948 informing the State that 50 acres of agricultural land belonging to him was confiscated by the British Government and sought for restoration of the property. A letter dated 18.07.1958 written by the Chief Secretary to Government, Punjab to the Respondent's father would show that the land belonging to the respondent's father was resumed in the

year 1942 for his not being loyal to the crown. By the said letter, Respondent's father was directed to furnish information relating to the national movement in which he participated. In response, a letter dated 25.07.1958 was written by the respondent's father in which he informed that his land was situated in Village 'Pir Mahal', District Layallpur and was resumed on account of his taking part in Satyagraha movement started by Mahatama Gandhi after the second world war began. Respondent's father stated in the said letter that he was in jail for some time along with Gopi Chand Bhargwa, his PA Mulkh Raj and several others. He also informed the Government of Punjab that he was summoned by the Commissioner of Multan, on whose order his land was confiscated due to his participation in the Satyagraha.

We are informed by Mr. Gopal Sankaranarayanan, learned senior counsel appearing for the respondent that respondent's father passed away in August, 1958.

Subsequently on September 03, 1979 respondent's mother submitted a representation to the Chief Minister, Government of Punjab seeking restoration of property in lieu of the land that was confiscated by the British Government. In a meeting that was held in the office of Chief Secretary, Punjab on 31.10.1986 for examining the claim, the joint Secretary, Revenue who verified the facts, observed that it was not possible to disbelieve that no land of S. Sampuran Singh was confiscated. On

28.11.1986, the Financial Commissioner (Punjab) passed an Order holding that respondent would be entitled to land of 11 acres and 5 ½ kanals. The price of land calculated @ Rs.1500/- per acre would be Rs.17,300/-.

Thereafter, a memo was issued by the Department of General Administration, Government of Punjab to the Treasurer, Charitable Endowments, Punjab Department, on 03.06.1993 sanctioning an amount of Rs.72,050/- to be paid to the respondent as compensation in lieu of 50 acres of land of his father. It was specified therein that the amount included Rs. 17,300/- as principal amount and Rs. 54,750/- as interest from 01.04.1942 to 31.05.1993.

Aggrieved by the order granting compensation of Rs.72,050/-, the respondent filed a writ petition before the High Court under Article 226 of the Constitution. As stated above, the relief sought for in the writ petition is for allotment of 50 acres of land in the State of Punjab or adequate compensation in lieu of the 50 acres of land. Learned single Judge of the Punjab and Haryana High Court allowed the writ petition and directed the appellant to allot alternative land to the respondent as per his entitlement. The appeal filed by the appellant was dismissed by the Division bench of the High Court on 21.04.2009, aggrieved by which the State is before this Court.

After hearing Ms. Ranjeeta Rohtagi, learned

counsel appearing for the appellant, Mr. Gopal Sankaranarayanan, learned counsel appearing for the respondent and after perusing the documents on record, we are in the agreement with the concurrent findings recorded by the High Court that the land belonging to the respondent's father in the present territory of Pakistan was confiscated by the British Government. The documents on record would also show that the Government of Punjab had also recognised that land was confiscated. An attempt has been made by the appellant to urge that no proof was submitted by the respondent regarding the particulars of land and their entitlement to such land that was confiscated. The State further contended that taking into account that respondent's father was a freedom fighter, generosity was shown to the respondent and an amount of Rs.72,050/- was granted as compensation.

We do not agree. We are of the considered view that the amount of Rs.72,050/- which was granted to the respondent as compensation for the confiscated land is inadequate. While we uphold the findings of the Courts below, we do not think that the implementation of the directions issued by the High Court for granting alternative land of 50 acres in District Jalandhar would be proper at this stage. The legal representatives of deceased respondent are entitled to be compensated suitably for confiscation of the land belonging to S.Sampuran Singh. We are of the considered view that

interest of justice would be served by directing the State of Punjab to pay an amount of Rs.5 crores to the Lrs. of deceased respondent, within a period of eight weeks from today.

The appeal stands disposed of. Pending application(s), if any, shall also stand disposed of.

.....J  
( L.NAGESWARA RAO )

.....J  
( B.R. GAVAI )

NEW DELHI;  
03<sup>rd</sup> MARCH, 2022

ITEM NO.101

COURT NO.5

SECTION IV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 2149/2010

STATE OF PUNJAB &amp; ANR.

Appellant(s)

VERSUS

PARAMPRIT SINGH GILL (DEAD) THR. LRS.

Respondent(s)

Date : 03-03-2022 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE B.R. GAVAI

For Appellant(s) Ms. Ranjeeta Rohatgi, AOR

For Respondent(s) Mr. Gopal Sankaranarayanan, Sr. Adv.  
Mr. Malak Manish Bhatt, AOR  
Ms. Tanishka Khatana, Adv.  
Ms. Ishita Chowdhury, Adv.  
  
Mr. Arun K. Sinha, AORUPON hearing the counsel the Court made the following  
O R D E R

The appeal stands disposed of in terms of the signed order. Pending application(s), if any, shall also stand disposed of.

(Geeta Ahuja)  
Court Master(Anand Prakash)  
Court Master

(Signed order is placed on the file)