

ITEM NO.7

COURT NO.11

SECTION IVB

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

Petition(s) for Special Leave to Appeal (Civil)...../2010
CC 9877-9880/2010

(From the judgement and order dated 15/01/2009 in CWP No. 366/1988
& CWP No. 647/1988 & CWP No. 648/1988 & CWP No. 4847/1989 of The
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

JASBIR SINGH & ORS. ETC.

Petitioner(s)

VERSUS

IMPROVEMENT TRUST LUDHIANA & ANR.

Respondent(s)

With I.A. 1-4 (c/delay in filing SLP and c/delay in refiling SLP)

Date: 16/07/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. K.S. Bopara, Adv.
 Mr. Dinesh Verma, ADV.
 Mr. R.V. Kameshwaran, A.O.R.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

Feeling dissatisfied with the order passed by the Division Bench of the Punjab and Haryana High Court enhancing the compensation determined by the Land Acquisition Tribunal constituted under the Punjab Town Improvement Act, 1922 (for short, 'the Act') from Rs.262 per marla to Rs.393 per marla in two blocks to Rs.600 per marla, the petitioners have filed these special leave petitions. They have also filed an application for condonation of 264 days delay.

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We have perused the averments contained in the application for condonation of delay. The explanation given by the petitioners for not filing these special leave petitions within the prescribed period of limitation is wholly unsatisfactory and there is no valid ground or justification for exercise of power by this Court under Section 5 of the Limitation Act, 1963 because except making a bald averment that they could not file special leave petitions due to poor financial condition, the petitioners have not produced any tangible evidence to substantiate their assertion.

The land of the petitioners was acquired by Notification dated 2.7.1976 issued under Section 36 of the Act. The Land Acquisition Collector, Ludhiana Improvement Trust, Ludhiana vide his award dated 4.8.1981 determined the market value of the land in 4 blocks as per its location qua the Ludhiana-Pakhawal Road and awarded compensation at different rates. The Land Acquisition Tribunal enhanced the compensation of the leveled acquired land to Rs.393/- per marla and Rs.262/- per

marla for low lying area. The High Court granted further enhancement and fixed the market value of the entire land at Rs.600/- per marla.

In our view, substantial justice has been done to the petitioners by the High Court by enhancing the compensation payable to the petitioners from Rs.262/- to Rs.393/- per marla to Rs.600/- per marla and the impugned order does not suffer from any patent legal error warranting interference by this Court.

The special leave petitions are accordingly dismissed on the ground of delay and also on merits.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master