

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

COCP No.769 of 2015
Date of decision : 30.03.2015

Surinder Kumar and another

...Petitioners

Versus

Shri Pritpal Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Naresh Kaushal, Advocate
for the petitioners.

Mr. L.S. Virk, Addl. A.G. Punjab.

AMIT RAWAL, J. (Oral)

This is a classic case of high handedness at the hands of the office of Land Acquisition Collector. This Court while disposing of the Regular Second Appeal passed following directions:-

“To sum up:-

i) the landowners in the present case are held entitled to compensation @ ₹25,65,600/- per acre.

ii) they shall also be entitled to all statutory benefits in terms of the provisions of the Act.

iii) for compensation on account of use and occupation of the land before issuance of notification under Section 4 of the Act, the landowners shall be entitled to file application before the Collector concerned upto 30.9.2013.

The appeals are disposed of in the manner indicated above.”

While issuing the aforementioned directions, this Court had arrived at a finding of fact that the possession of the land was taken prior to the promulgation of the Notification under Section 4 of the Land Acquisition Act. The relevant paragraph of the judgment is extracted hereinbelow:-

“As far as claim of the landowners for damages on account of use and occupation of the land as possession thereof was taken prior to issuance of notification under Section 4 of the Act in the present case is concerned, the fact that possession was taken prior to the acquisition is not in dispute. It has been held by Hon'ble the Supreme Court in Special Land Acquisition Officer Vs. Karigowda and others, (2010) 5 SCC 708, that interest for any period prior to the issuance of notification under Section 4 of the Act, cannot be awarded as the same has to be in the form of damages for use and occupation of land.”

The aforementioned order was passed in the presence of Additional Advocate General, Punjab and the Counsel for PSIEC. In pursuance to the directions passed by this Court, the petitioners have submitted applications dated 09.09.2013 and 13.09.2013 (Annexure P-2 Collectively) to the Land Acquisition Collector for determination of use & occupation charges in compliance of the order of the High Court which admittedly was in possession of the respondent No.3. Since no action was taken by the Land Acquisition Collector, the petitioners were constrained to send the reminder vide Annexures P-3 and P-4 and, thereafter, a legal notice dated 27.09.2014 (Annexure P-5).

The present contempt petition has been filed on the premise

that the respondents have not complied with the directions contained in the order dated 10.07.2013 as they were flabbergasted to receive the letter dated 23.01.2015 (Annexure P-6), informing that legal notice was considered and rejected.

Mr. Naresh Kaushal, learned counsel appearing on behalf of the petitioners submits that there was a glaring violation/willful disobedience of the directions contained in the order dated 10.07.2013 passed by the respondent No.1.

Notice of this contempt petition was issued to the State of Punjab in pre-lunch session and learned Additional Advocate General, Punjab present in the Court was directed to call the Land Acquisition Collector, Punjab in the Court in the post lunch session.

Mr. Pritpal Singh, Land Acquisition Collector, Punjab is present in the Court.

When hearing of the contempt petition was resumed, Mr. L.S. Virk, Addl. Advocate General, Punjab has passed on a vernacular copy of the order dated 14.01.2015 vide which legal notice sent by the petitioners was rejected. It has been fairly stated that said order was not enclosed vide letter dated 23.01.2015 (Annexure P-6).

Mr. Pritpal Singh, Land Acquisition Collector has made the unconditional apology in the Court by assuring that since order dated 14.01.2015 had inadvertently been passed, much less, even not communicated to the petitioners and, therefore, further undertakes & assures that in case an opportunity is granted, de hors of the existence of the observation dated 14.01.2015, would pass a fresh and speaking order containing detailed

reasons, after giving appropriate opportunity of hearing to the parties strictly in accordance with law.

Mr. Pritpal, Singh, Land Acquisition Collector has further assured that in compliance with the directions contained in order dated 10.07.2013 (Annexure P-1) order shall be passed within a period of two months from the date of receipt of certified copy of the order subject to the cooperation of the parties.

It is made clear that the petitioners and PSIEC shall be at liberty to give their respective reply in support of the contention keeping in view the observations contained in the order dated 10.07.2013.

In view of the undertaking given by Mr. Pritpal, Land Acquisition Collector, present contempt petition is disposed of.

It is expected that Land Acquisition Collector shall pass the order strictly in letter and spirit of the directions contained in the order dated 10.07.2013 and in view of the undertaking given by this Court.

30.03.2015

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**(AMIT RAWAL)
JUDGE**