

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

Date of decision:10.12.2015

1. CWP No.1840 of 1993(O&M)

Talwinder Singh and others **....Petitioners**

VERSUS

State of Punjab and others **.....Respondents**

2. CWP No.4024 of 1993(O&M)

Daljit Singh and others **....Petitioners**

VERSUS

State of Punjab and others **.....Respondents**

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Mr. Puneet Bali, Senior Advocate with
Mr. Ranjit Saini, Advocate for the petitioners.

Mr. Manoj Bajaj, Additional A.G. Punjab for respondent
No.1 and 2.

Mr. Ashok Kumar Bazaz, Advocate for respondent No.3.

HEMANT GUPTA, J.(Oral)

The challenge in the present two writ petitions bearing CWP Nos.1840 and 4024 of 1993 is to the acquisition of land measuring 32 kanals 7 marlas for a public purpose of providing disposal work of sullage water at Jalandhar City.

The notification under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') was issued on 04.11.1992 and notification under Sections 6 of the Act was issued 28.12.1992. The writ petition against the

said notifications came up for hearing before this Court which was admitted for final hearing wherein there was an order of stay of dispossession.

In the meantime, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short '2013 Act') came into force on 01.01.2014. As per Section 24(1) of 2013 Act, where the award has not been announced prior to commencement of 2013 Act, the compensation has to be awarded under the 2013 Act. Admittedly, the award has not been annouced in pursuance of the notifications so published under Section 4 and 6 of the Act. Consequently, in terms of Section 24(1) of 2013 Act, the petitioners are entitled to compensation under 2013 Act.

Mr. Ashok Kumar Bazaz, Advocate, representing the respondent-Municipal Corporation, Jalandhar, on the instructions of Mr. Lakhvinder Singh, Superintending Engineer, Municipal Corporation, states that the Municipal Corporation is ready and willing to pay compensation in terms of 2013 Act.

In view of the legal position as accepted by Mr. Bazaz, the writ petitions are disposed of with direction to the respondents to pay compensation to the petitioners in terms of 2013 Act within 6 months from today and to complete the acquisition proceedings in accordance with law.

(HEMANT GUPTA)
JUDGE

DECEMBER 10, 2015

(RAJ RAHUL GARG)
JUDGE