

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

226

**Civil Revision No.8518 of 2014
Date of Decision:29.10.2015**

Sham Sunder through LRs

... petitioners

Versus

State of Punjab and another

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

- 1.Whether Reporters of local papers may be allowed to see the judgement?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr.C.M.Munjal, Advocate
for the petitioners

Mr.Rajesh Mehta, Additional Advocate General, Punjab

ARUN PALLI, J.(ORAL):-

Vide Award, dated 17.12.2007 (Annexure P1), rendered by the Reference Court, it was observed that all the petitioners, whose land has been bifurcated into two parts, shall be entitled to 50% of the compensation, on account of solatium of the market value of the un-acquired land.

At the very outset, learned State counsel, on instructions from Mr.Pawan Kapur, Executive Engineer, Drainage Construction Division, Ferozepur at Fazilka, submits that the entire land owned by the petitioner i.e.17 kanals 09 marlas, that was acquired, is utilized for the excavation of ditch channel (village Odian). Thus, the land owned by the petitioner was not bifurcated into two parts, as a consequence of the acquisition.

Therefore, the petitioner-landowner was not entitled to 50% charges

for bifurcation of land. Learned State counsel has also placed on record a site plan as also the statement which is duly certified by the Patwari Halqa, Kanungo, Tehsildar and SDM-cum-Land Acquisition Collector, which substantiates this position. Accordingly, these documents are taken on record as Mark 'A' and Mark 'B'.

That being so, learned counsel for the petitioner submits that the petition be dismissed as having become infructuous. However, in case, the stand, set out by the State is found to be factually incorrect, legal representatives of the petitioner shall move the necessary application for restoration of the petition for decision on merits.

Dismissed as infructuous, with liberty as prayed for.

29.10.2015

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(ARUN PALLI)
JUDGE