

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5794 of 2015

Date of Decision: 7.4.2015

Brig (Retd) Sassi Inder Singh

....Petitioner.

Versus

State of Punjab and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. Sudershan Goel, Advocate and
Ms. Rupinder Kaur, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner, whose land was acquired for a public purpose vide award dated 18.1.1982 (Annexure P-5), has filed the present petition under Articles 226/227 of the Constitution of India seeking direction to the respondents to release his land. It is the case of the petitioner that he has not been paid the compensation of the acquired land nor possession of the same has been taken by the authorities, therefore, they are entitled to get the land released under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short "2013 Act").

2. Notice of motion.

3. On our asking, Ms. Munisha Gandhi, Additional Advocate General, Punjab accepts notice on behalf of the respondents.

4. After hearing learned counsel for the parties, keeping in view the fact that the petitioner has raised disputed questions of facts with regard to his possession on the acquired land and non-payment of compensation to him, we dispose of this petition with liberty to the petitioner to submit a detailed representation to the Land Acquisition Collector, Ludhiana, Improvement Trust, Ludhiana (respondent No.3) in this regard. If any such representation is submitted by the petitioner, respondent No.3 is directed to consider and decide the same, within a reasonable time, after issuing notice to the Ludhiana Improvement Trust, Ludhiana, for whom the land was acquired, and after hearing the Improvement Trust, Ludhiana, and the petitioner, by passing a speaking order. If the case as set out by the petitioner with regard to his possession over the acquired land and non-payment of compensation to him is found to be correct, then respondent No.3 will send the case to the appropriate Government for taking action in the matter under Section 24(2) of 2013 Act.

(AJAY KUMAR MITTAL)
JUDGE

April 7, 2015
gbs

(REKHA MITTAL)
JUDGE