

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.10116 of 2016 (O&M)

Date of Decision: 14.07.2016

Sardara Singh & Ors.

... Petitioners

VS.

Special Land Acquisition Collector & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE DARSHAN SINGH

Present: Mr. PS Mirpur, Advocate for the petitioners

SURYA KANT, J. (Oral)

(1) This writ petition assails the award/order dated 14.07.2014 whereby the Special Land Acquisition Collector, Jalandhar has rejected the claim of petitioners for appointment of Arbitrator to determine the compensation of their land alleged to have been acquired under the Requisitioning and Acquisition of Immovable Property Act, 1952. The claim has been rejected on the ground that the land in dispute was actually acquired under the Land Acquisition Act, 1894 and not under the 1952 Act.

(2) The Special Land Acquisition Collector has categorically referred to the notifications dated 29.10.1976 & 01.11.1976 issued under Section 4&6 followed by notice under Section 9 of the Land Acquisition Act, 1894 (in short, 'the 1894 Act') as well as the Award dated 26.12.1977 which was duly exhibited before him as Exbit-A, B & C. He has also relied upon a copy of the LA-VII in respect of land measuring 188 kanal 10 marla as a proof *re:* payment of compensation to the landowners which is also Exbit-D. As regard to the remaining land measuring 21 kanal 2 marla, the Special Land Acquisition Collector has relied upon the notifications dated 08.06.1979 and 26.10.1979 Exbit-E&F issued under Section 4&6 of the

LA-VII as a proof of payment of compensation *qua* that land has also been produced as Exhibit-H.

(3) The only other piece of land measuring 24 kanal – 0 marla was sold by the ex-landowners to the State and the payment of sale consideration in respect thereto has also been proved vide LA-VII which is Exhibit.I and does suggest that the payment was made to ex-landowners Jangir s/o Bishan Singh and Kartar Singh s/o Mehar Singh in equal share.

(4) In the light of the above-stated official documents relied upon by Special Land Acquisition Collector, we see no reason to disagree or doubt the finding of fact returned vide impugned order dated 14.07.2014.

(5) However, in the interest of justice, we still grant liberty to the petitioners to file a fresh petition challenging the above-stated award, if they are able to prove that the documents referred to above, do not pertain to acquisition of their land.

(6) With liberty afore-mentioned, the writ petition stands dismissed.

(Surya Kant)
Judge

14.07.2016
vishal shonkar

(Darshan Singh)
Judge