

**CM-13664-2015 in/and
CWP-11268-2015 (O&M)**

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

**CM-13664-2015 in/and
CWP-11268-2015 (O&M)
Date of Decision: December 19, 2016**

Sukhbir Kaur and others

.....Petitioners

Versus

Punjab State and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Premjit Kalia, Advocate
for the petitioner.

Mr.P.S.Bajwa, Addl.AG, Punjab.
Mr.R.D.Bawa, Advocate
for the applicants.

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SURYA KANT, J.

In deference to the order dated 21.11.2016, Additional Chief Secretary, Department of Housing and Urban Development as well as the Director, Rural Development and Panchayats, have filed their respective written statements which are taken on record.

[2] As per the averments made in para 6 onwards in the written statement filed by State Government, the Competent Authority has passed an order dated 07.12.2016 restoring back possession of the land in favour of the person(s), who was recorded as true owner at the time when the said land

was notified under Sections 4 & 6 of the Land Acquisition Act, 1894. Since

the person(s), who was recorded as true owner(s) of the land at the time when Section 6 notification was issued on 11.03.1974 is said to have passed away, it is directed that physical possession of the land be restored in favour of his legal representatives/heirs and if there is any dispute in relation thereto, the possession shall be handed over to the person(s), who are found to be his true legal representative/heirs in accordance with law. The ownership entry shall also be recorded in favour of such successors after following the prescribed procedure.

[3] As regard to the allottees for whom plots were decided to be carved out at the subject land, the Director, Rural Development and Panchayat has taken a stand that alternative plots are being allotted to them.

[4] In the light of the above noticed stand taken by the respondents, the writ petition is disposed of as infructuous with a direction that exercise for restoration of possession or entries in favour of true owner(s) be completed within a period of two months from the date of receipt of a certified copy of this order.

[5] Cost imposed vide order dated 21.11.2016 amounting to Rs.10,000/- each, is waived of.

[6] As the main case has been decided on merit, application for impleadment has been rendered infructuous. Disposed of accordingly.

**(SURYA KANT)
JUDGE**

December 19, 2016
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**(SUDIP AHLUWALIA)
JUDGE**