

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11204-2016

Date of Decision: September 21, 2016

Bhagat Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

Present: Mr.S.S.Swaich, Advocate
for the petitioner.

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SURYA KANT, J.

[1] This writ petition is nothing but a frustrated attempt by land owners to blackmail and/or drag respondent No.3-Industry in an unwanted litigation. We draw such an inference in the light of following facts:-

[2] State of Punjab acquired land measuring more than 1729 Kanal in village Fatehgarh Chhana, Tehsil and District Sangrur, for setting up a MEGA Project including expansion of Yarn Mill and Garment Project by a private Company, namely, respondent No.3. Notification under Section 4 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act') was issued on 31.05.2005. Objections were invited under Section 5-A. After considering the objections, Award dated 17.02.2006 was passed and compensation amount was paid to land owners. Respondent No.3-the Company however could not commence its project as some of the owners resisted against delivery of possession. The matter was thereafter taken up in the Lok Adalat,

where compensation assessed by the Land Acquisition Collector was further enhanced by 70% so as to end the litigation. In this manner, a consent Award was passed by the Lok Adalat in the year 2008 and enhanced amount of compensation was paid to all the land owners.

[3] Petitioners are also amongst the land owners whose land was acquired and who agreed to the consent Award and received the compensation accordingly. After some years when market value of the land apparently got increased, the petitioners started making hue and cry that land is not being used by the Company for the “public purpose” of its acquisition. A writ petition was filed in this Court and pursuant to the directions issued therein, the State Government called both the parties and vide impugned order dated 28.08.2014 has turned down the objections of petitioners-land owners after observing as follows:-

“ On the request of the industry-M/s Abhishek Industries Ltd., Govt. of Punjab, after entering into an agreement with the Company, acquired land for expansion of the existing paper mill, co-generation of power, establishment of sugar mill at villages Dhaula, Fatehgarh Chhana and Sanghera, Tehsil Barnala, District Sangrur, vide notifications dated 31.05.2005 issued under Section 4 of the Land Acquisition Act, 1894 (For short, the Act). After publication of the declaration under Section 6 of the Act, separate awards were announced on 17.02.2006 and the compensation of the land deposited by the Company was paid to the landowners. The possession of the land was taken. However, immediately, the work of setting of industries could not start as the landowners started agitation by taking out processions protesting compulsory acquisition of land thereby hampering the construction work. The landowners also sought enhanced

compensation.

Ultimately, the matter was resolved through compromise, which was reduced into writing with each of the landowner, in a Lok Adalat. The compensation as assessed by the Land Acquisition Collector was further enhanced by 70% ending the litigation on passing of the orders by the Lok Adalat in the year 2008. Each of the landowner, as mentioned earlier, entered into an agreement, which is a matter of record before the Lok Adalat at Barnala. Factum of the agreements between the landowners and company, is an undisputed fact.

Thereafter, industry namely Abhishek Industries Ltd. started its construction and had set up a paper unit, a textile unit, a chemical and a pharma unit, apart from co-generation etc. The Company also constructed a residential colony for its staff. The company also set up a sewerage treatment plant, effluent treatment plant etc. The entire land is encircled with a boundary wall with different units having been set up in this campus. The residents of village Fatehgarh Channa filed the afore-mentioned CWP No.245 of 2014 alleging that the Company is holding the land for speculative gain and no industry has been set up.” [Emphasis by us]

[4] It may be seen from the above reproduced facts that after getting the litigation resolved, the Company has taken several steps to utilise the land for the purpose for which it was acquired. A Paper Unit, a Textile Unit, a Chemical and a Pharma Unit have since been set up. The Company has also constructed a residential colony for its staff and Sewerage Treatment Plant and Effluent Treatment Plant have also been set up. Such a big project cannot be completed in day and night and it takes its own time.

[5] So far as the petitioners are concerned, once their land has been acquired, free from all incumbrances and full amount of compensation has

been paid, they cannot be permitted to re-agitate the issue time and again as respondent No.3-Company is entitled to have a reasonable time to set up the project and honour the public purpose of acquisition. The plea that the construction was raised on the adjoining land which was available before the subject- acquisition, is misconceived and misdirected as expansion of the project cannot take place in a short span and that too under supervision of third parties like petitioners.

Dismissed.

(SURYA KANT)
JUDGE

September 21, 2016
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(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No