

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12195-2015 (O&M)

Date of Decision: August 10, 2016

Smt.Shama Kaur and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

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

Present: Mr.G.S.Gandhi, Advocate
for the petitioners.

Ms.Palika Monga, DAG, Haryana.

.....

SURYA KANT, J.

Their predecessors as well as the petitioners were owners of Khasra No.125//24/2 measuring 4K 11M, out of which land measuring 0K 14M was acquired by State of Haryana for the drain vide award dated 29.03.1979. The compensation amount is said to have been paid to the father of the petitioners and a specific averment to this effect has been made in para No.7 of the written statement, dated 05.05.2016. For the remaining land measuring 3K 17M comprising Khasra No.24/2/1, fresh notifications under Sections 4 and 6 of the Land Acquisition Act, 1894, were issued on 07.07.2011 and 06.07.2012, respectively. This time the land was acquired for development of Sector 10, Urban Estate, Jhajjar. However, award was

passed on 04.07.2014 only for the land measuring 3K 13M, as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the 2013 Act'), which came into force w.e.f. 01.01.2014. The amount of compensation assessed under the 2013 Act is said to have been received by the petitioners on 15.12.2014. In this manner, there remains yet another unacquired piece of land measuring 4 Marla, which according to the respondents, already stands acquired by PWD (B&R) Department vide award dated 10.03.1988. The petitioners cannot be permitted to question this factual plea taken by the respondents, more so when most of their factual averments are either incorrect or misleading. Suffice to say that if the petitioners have any grievance against non-payment of compensation in respect of 4 Marla land, they may approach the Land Acquisition Collector, PWD (B&R), who shall ascertain the correct facts and determine the due amount within a period of four months from the date of receipt of representation from the petitioners. As regards the remaining land, the facts speak for themselves that the same has been acquired in accordance with law and the compensation amount stands paid.

Disposed of in above terms.

(SURYA KANT)
JUDGE

August 10, 2016
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(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No