

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.11357 of 2016.

Date of Decision: September 06, 2016

Mohd. Jamil Brar 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.Ghulam Nabi Malik, Advocate, for the petitioners.

-. -

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioners are residents of Malerkotla, District Sangrur. They allege that land of their families was acquired way back in the year 1980-81 for the purpose of 'Industrialization' and it was allotted to respondent No.8 to set-up the industrial unit. It appears that the industry was actually set-up but in due course of time, it ran into losses and eventually got wound-up. The assets of the industry were later on purchased by respondent Nos.9 & 10 who have now started developing the site for a different purpose, namely, as a residential colony.

The petitioners claim that 'diversion' of the acquired land for the aforesaid purpose is contrary to the spirit and object of the Land Acquisition Act, 1984, hence the land is liable to be returned to them in the light of the observations made by this Court in PIL jurisdiction in CWP

others) decided on 09.11.2012.

We have heard learned counsel for the petitioners and gone through the record.

If it is a fact that industry was actually set-up and it remained functional for good amount of years, it is difficult to hold that the public purpose was not achieved. Similarly, if with the passage of time the industry suffered losses and had to be wound-up, we do not see any legal infirmity in the act of subsequent purchaser in utilizing the property in the manner they like, of course in accordance with law. Be that as it may, if there is any violation of the terms and conditions or of public purpose for which the acquisition was made, the Local Authorities are well equipped to hold a fact-finding enquiry keeping in view the ratio of the judgment dated 09.11.2012 passed in Bipin Sharma's case (supra). We thus dispose of this writ petition without expressing any views on merits, with a direction to the Director, Industries and Commerce, Punjab-respondent No.4 to hold a fact-finding enquiry and determine the petitioners' claim, if any, within a period of six months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

September 06, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No