

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.11620 of 2016.

Date of Decision: July 14, 2016

Ashok Nagpal and others

.....Petitioners

versus

Union of India and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE DARSHAN SINGH.**

Present: Mr.Rajiv Kataria, Advocate, for the petitioners.

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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 claim themselves to be owners of the land comprising the revenue estate of various villages located at Indo-Pak Border in the area of district Fazilka. Their land is said to have been utilized by the Army and B.S.F. for the construction of 'bandh'. It is alleged that no compensation for acquisition of their land was paid. The land has not been acquired either under the provisions of the Requisition and Acquisition of Immovable Property Act, 1952 or under the Land Acquisition Act, 1894. Reference is made to some correspondence to suggest that the Army authorities have been contemplating to pay compensation to the petitioners but it was withheld for undisclosed reasons.

We have heard learned counsel for the petitioners.

The writ petition appears to have been filed as an off-shoot of

Punjab Border Kissan Welfare Society versus Union of India and others).

for the redressal of grievance of the land-owners/farmers whose lands are located at Indo-Pak border in various district of Punjab State. Vide that order, this Court directed to constitute a Tribunal with liberty to the individual land-owners/farmers and/or Society representing the farmers, to put up their claim before the Tribunal within one month from the date a public notice is issued by the State of Punjab in two leading newspapers.

We see no reason as to why the factual issues raised by the petitioners in this writ petition cannot be adjudicated by the Tribunal constituted vide the above-cited order. The issue of compensation, if any payable to the affected land-owners/farmers, has also been brought within the domain of the Tribunal. The petitioners thus have got an alternative remedy to seek redressal of their grievance before the Tribunal which has since been constituted. The petitioners may thus approach the Tribunal who shall decide their claim in accordance with law.

The writ petition stands disposed of accordingly.

[SURYA KANT]
JUDGE

July 14, 2016
mohinder

[DARSHAN SINGH]
JUDGE