

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.14064 of 2016.

Date of Decision: August 09, 2016

Pritpal Singh and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE GURMIT RAM.**

Present: Mr.M.L.Sharma, Advocate, for the petitioners.
Mr.Rajesh Bhardwaj, Additional AG, Punjab,
for respondent Nos.1,3, 4 & 5.

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Surya Kant, J. (Oral)

Notice of motion to respondent Nos.1, 3, 4 & 5 only at this stage.

[2] On our asking, Mr.Rajesh Bhardwaj, learned Additional Advocate General, Punjab accepts notice on their behalf.

Let four copies of the writ petition be supplied to learned State counsel during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

[3] Since no order prejudicial to the interest of respondent No.2 is being passed, it is not necessary to serve that Board nor any reply from respondent Nos.1 & 3 to 5 is required at this stage.

[4] The petitioners are residents of district Jalandhar. The process to acquire their land was initiated vide notification dated 09.11.1992 issued under Section 4 read with Section 17 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act'), followed by notification dated 28.12.1992 under

No.1840 of 1993 (Talwinder Singh and others versus State of Punjab and others) and *status quo* was directed to be maintained by this Court. The writ petition was finally disposed of vide order dated 10.12.2015, vide which the acquisition process was permitted to be completed but it was observed that since meanwhile 1894 Act stood repealed and 'the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013' (for short, 'the 2013 Act') has come into force w.e.f. 01.01.2014, the Award would be passed in terms of Section 24(1) of the 2013 Act.

[5] The Land Acquisition Collector has thereafter passed Award No.1 of 2016 dated 09.06.2016. The aggrieved petitioners have laid challenge to the above-stated Award on the ground that the market value of the acquired land has been assessed keeping in view the sale transactions of the year 1992 completely over-looking the market value of the land in the subsequent years particularly, of the years immediate preceding the Award.

[6] In our considered view, the above noticed claim of the petitioners can be effectively determined by the Authority notified under Section 51 read with Sections 52 and 53 of the 2013 Act. It may be mentioned that for the purpose of speedy disposal of the disputes relating to land acquisition, compensation, rehabilitation and resettlement, the 'Appropriate Government' is obligated to establish and notify the "Land Acquisition, Rehabilitation and Resettlement Authority". Such Authority shall consists of one person only who in turn must be qualified as per Section 53 of the 2013 Act.

[7] Learned counsel for the petitioners submits that since no Authority has been notified by the State of Punjab, the petitioners, as of now

are remediless under the 2013 Act.

[8] The expression “Appropriate Government” is defined in Section 3 (e), according to which, “Appropriate Government” in relation to acquisition of land situated within the territory of State is the “State Government”. In this manner, it is the duty of State of Punjab to establish and notify the Authorities for all districts in terms of Section 50, 52 & 53 of the 2013 Act, if already not done.

[9] The instant writ petition is thus disposed of with a direction to the State of Punjab to establish and notify the 'Authority' within a period of one month from the date of receiving a certified copy of this order. The petitioners shall be at liberty to file their claims before the notified Authority within one month from the date of establishment of the Authority. We further direct the Authority to make an endeavour to decide the petitioners' claim in the light of the observations made by this Court in the previous order dated 10.12.2015 and reiterated in the instant order, as early as possible and preferably within a period of six months, from the date of its filing.

[10] Let a copy of this order be given dasti to Mr.Rajesh Bhardwaj, learned Additional Advocate General, Punjab, for information and necessary compliance.

[SURYA KANT]
JUDGE

August 09, 2016
mohinder

[GURMIT RAM]
JUDGE

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