

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14517 of 2016 (O&M)

Date of Decision: 25.07.2016

Mithlesh Rattan & Ors.

... Petitioners

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE DARSHAN SINGH

Present: Mr. Raman Sharma, Advocate for the petitioners

SURYA KANT, J. (Oral)

(1) The petitioners are residents of Village Kang Mai, Tehsil & District Hoshiarpur. They seek a direction for payment of compensation for their acquired land in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short, 'the 2013 Act'). As per the petitioners, Section 4 notification under the Land Acquisition Act, 1894 (in short, 'the 1894 Act') proposing the acquisition was issued on 06.08.2010 against which their objections were turned down. Thereafter on 03.09.2010 notification under Section 6 read with Section 17 invoking the urgency clause was issued. It is further averred that though part payment was released as per the details given in para 4 of the writ petition but no award was passed under the 1894 Act. Meanwhile, the 2013 Act has come into force w.e.f. 01.01.2014. It is claimed that the petitioners are entitled to compensation that may be assessed in accordance with Section 24(1)(a) of the 2013 Act read with the view taken by this Court in **Bhajan Singh vs. State of Punjab & Anr., 2014 (4) PLR 406 (DB).**

(2) We have heard learned counsel for the petitioners. Since the

issues raised herein are mostly disputed questions of facts which can be

effectively determined by the authorities on verification of the record, we dispose of the writ petition without expressing any views on merit with a direction to respondent No.2 – the Land Acquisition Collector to call for the records and determine the above-mentioned claim of the petitioners in accordance with law by passing a reasoned order within a period of four months from the date of receipt of a certified copy of this order.

(3) Ordered accordingly.

(Surya Kant)
Judge

25.07.2016
vishal shonkar

(Darshan Singh)
Judge