

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.16930 of 2016 (O&M)

Date of Decision: 22.08.2016

Mohinder Singh

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

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|---|-----------------|
| 1. <i>Whether speaking/reasoned?</i> | Yes / No |
| 2. <i>Whether reportable?</i> | Yes / No |
| 3. <i>Whether Reporters of local papers may be allowed to see the judgment?</i> | Yes / No |
| 4. <i>To be referred to the Reporters or not?</i> | Yes / No |
| 5. <i>Whether the judgment should be reported in the Digest?</i> | Yes / No |

Present: Mr. Parminder Singh, Advocate for the petitioner

SURYA KANT, J. (Oral)

(1) The petitioner seeks quashing of the orders dated 20.02.2015 and 10.03.2015 (P5 & P6) whereby his representation for the release of acquired land is said to have been rejected.

(2) The petitioner's land was acquired for setting up/expansion of Leather Complex at Jalandhar. The acquisition was made in the year 1998-99 and the award was announced on 26.02.2001. The petitioner claims that the acquired land is no longer being used for the public purpose for which it was acquired, hence it is liable to be returned. We are afraid there is no provision under the Land Acquisition Act, 1894 (since repealed) or under the new Act, namely, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 by virtue of which the return of the land can be claimed as a matter of right, when the land has vested in the State Government or its agency free from all encumbrances. That apart vide the impugned communications, the petitioner has been categorically informed that the acquired land is used for the

disposal of fleshing and sledges outside the leather complex. The petitioner nowhere has alleged that he has not received the compensation.

(3) In this view of the matter, no case to issue the desired direction is made out.

(4) Dismissed.

(Surya Kant)
Judge

22.08.2016
vishal shonkar

(Sudip Ahluwalia)
Judge