

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.19073 of 2016.

Date of Decision: September 15, 2016

Gurvinder Singh and anotherPetitioners

versus

State of Punjab and othersRespondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SUDIP AHLUWALIA.**

Present: Ms.Dhivya Jerath, Advocate, for the petitioners.
Mr.Rajesh Bhardwaj, Additional AG, Punjab.

-. -

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)

Notice of motion.

On our asking, Mr.Rajesh Bhardwaj, learned Additional Advocate General, Punjab, accepts notice on behalf of the respondents.

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.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from the respondents at this stage.

The grievance of the petitioners in this case is that a part of their land described in para No.3(i) of the writ petition has been utilized by

the respondents for the construction of Banur Canal System, for which land

measuring 66.60 acres of village Bakarpur was also acquired. It is alleged that the land of the petitioners has been utilized without any acquisition. Resultantly, no compensation has been paid to them. In this backdrop, a direction is sought to the authorities to acquire the petitioners' land and pay them compensation. It is also averred that the land stands utilized since the year 2006 onwards.

As the facts would speak for themselves, if the land of petitioners has been utilized for a 'public purpose' without acquiring it, such action of the authorities would be *per se* illegal. The next recourse for the authorities, therefore, will have to acquire such land and pay due amount of compensation to the petitioners. At the same time, the issues raised by the petitioners being factual in nature, a fact finding enquiry requires to be conducted by the authorities.

We thus dispose of this writ petition with a direction to the respondents to ascertain the correct facts and if it is found that the land of petitioners has been utilized for the above-stated public purpose without acquiring the same, let acquisition process be initiated and completed within a period of six months from the date of receiving a certified copy of this order and due amount of compensation be paid to the petitioners.

[SURYA KANT]
JUDGE

September 15, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

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