

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.20200 of 2016.

Date of Decision: September 28, 2016

Balwinder Singh and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

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

Present: Mr.Paramjit Singh Brar, 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 are residents of different villages, namely, Kot Raijada, Malakpur, Langerpura, Daria Moosa and Kotli Barwala, Tehsil Ramdas, District Amritsar, which are near/abutting the Indo-Pak border. Their grievance is that their lands have been utilized by the Army since the year 2005 for the border security and other allied purposes including construction of '*bunkers*' etc. However, neither the land was acquired nor any compensation has been paid to them. It is further averred that a notification under Section 4 of the Land Acquisition Act, 1894 (since repealed) was issued by Punjab Government on 27.08.2009 (P-6) to acquire their land but those proceedings have also lapsed as no further action was taken. On this premise, the petitioners seek a direction for payment of compensation etc.

This Court in LPA No.35 of 2012 (Punjab Border Kissan Welfare Society versus Union of India and others) decided on 20.05.2015, had constituted a Tribunal which is already functional for determination of compensation claims of farmers/land-owners of the border area whose lands have been utilized by the Indian Army/Border Security Force etc.

We thus dispose of this writ petition firstly with a direction to the respondents to ascertain the correct facts and take necessary action, as may be required in law, to compensate the petitioners. The needful shall be done within a period of four months from the date of receiving a certified copy of this order. However, if the grievance of the petitioners is still not redressed, we grant them liberty to approach the Tribunal who shall determine their claim in accordance with law.

Ordered accordingly.

Dasti.

**[SURYA KANT]
JUDGE**

September 28, 2016
mohinder

**[SUDIP AHLUWALIA]
JUDGE**

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