

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.20516 of 2016.

Date of Decision: September 30, 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.R.S.Manhas, Advocate, for the petitioners.
Mr.Rajesh Bhardwaj, Additional AG, Punjab.

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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)

Notice of motion.

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

Let six 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 petitioners are residents of village Darkua Bangla, Tehsil Dhar Kalan, District Pathankot. Their land, fully described in para No.2 of the writ petition, was proposed and notified for acquisition under Sections 4 & 6 of the Land Acquisition Act, 1894 for the public purpose for reservoir area of Ranjit Sagar Dam Project. These notifications were issued on

07.08.1995 and 23.07.1996, respectively. Thereafter the Award dated 25.08.1998 (P-6) was passed but land of the petitioners was not included in that Award.

If the facts were to be correct, the acquisition qua the petitioners' land has lapsed. Their grievance is that neither the land is de-notified nor the respondents have acquired the same again in accordance with law. It is in this backdrop that the petitioners seek a direction to the authorities to proceed with the acquisition in accordance with the provisions of the new Act, namely, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Having heard learned counsel for the parties and taking into consideration the factual events referred to by the petitioners, we are of the considered view that the respondents need to take a final decision as to whether or not the petitioners' land is to be acquired. Needless to say that if the respondents want to acquire the petitioners' land, the provisions of the new Act have to be followed.

Let an appropriate decision in this regard to be taken within a period of four months from the date of receiving a certified copy of this order.

The writ petition stands disposed of accordingly.

Dasti.

[SURYA KANT]
JUDGE

September 30, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

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