

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.20517 of 2016.

Date of Decision: September 30, 2016

Sham Lal and othersPetitioners
versus
State of Punjab and othersRespondents

**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 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 petitioners are residents of different villages in district Pathankot. Their land was acquired vide notifications dated 07.08.1995 and 23.07.1996 issued under Section 4 & 6, respectively, of the Land Acquisition Act, 1894 (for short, 'the Act'), for the purpose for reservoir area of Ranjit Sagar Dam Project. The petitioners claim that they had

objected to the assessment of compensation made by the Land Acquisition Collector and filed references under Section 18 of the Act on different dates, i.e., 29.09.1998, 30.09.1998 and 06.10.1998. It is claimed that there are 44 such references filed by the petitioners within the prescribed period of three months but the Land Acquisition Collector has not forwarded these references to the Court of competent jurisdiction for adjudication. A direction is accordingly sought.

As may be seen from the above-stated facts, the Land Acquisition Collector is required to ascertain whether or not the references were filed by the petitioners and if so, whether such references have been filed within the prescribed period. If both the questions are answered in favour of the petitioners, it is imperative upon the Land Acquisition Collector to refer those references to the learned District Judge, Pathankot at the earliest.

We thus dispose of this writ petition without expressing any views on merits, with a direction to the Land Acquisition Collector-respondent No.4 to ascertain the correct facts and if references filed by the petitioners are still lying in his office, let the same be referred to the learned District Judge, Pathankot, within a period of three months from the date of receiving a certified copy of this order.

Dasti.

[SURYA KANT]
JUDGE

September 30, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned
Whether Reportable

: **Yes/No**
: **Yes/No**