

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.21823 of 2016.

Date of Decision: October 21, 2016

Gram Panchayat, Village Gurditpura

.....Petitioners

versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.S.S.Rangi, Advocate, for the petitioner.

Mr.NDS Mann, Additional Advocate General, 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.NDS Mann, 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 petitioner is Gram Panchayat of village Gurditpura, Block Patran, District Patiala. It is alleged that its land fully described in the head note of the writ petition, situated within the revenue estate of village

0-13000 on both sides of village Sagra Para so as to prevent the flooding of area by river Ghaggar. The grievance of the petitioner is that its land has been utilized without any acquisition or payment of compensation.

It is pointed-out that some of the land-owners of village Sagra Para, whose lands were also utilized in the same manner, earlier approached this Court through CWP No.8459 of 2013 Jagir Singh and others versus State of Punjab and others in which directions were issued to the Principal Secretary, Irrigation Department, Punjab, to call for the records and verify whether its lands was utilized by the Irrigation Department without paying any compensation. It is stated that contempt proceedings were initiated for non-compliance of the above-stated directions, whereupon the respondent-authorities have paid compensation amount of Rs.18,90,72,072/- to the affected land-owners.

Having heard learned counsel for the parties, it appears to us that the factual averments made on behalf of the petitioner are required to be verified by the authorities and if it is found correct that land of the petitioner has been utilized for a public purpose without acquiring it in accordance with law, it is also entitled to seek compensation on the parity of the writ-petitioners in CWP No.8459 of 2013 decided on 25.07.2013. The writ petition is thus disposed of without expressing any views on merits, with a direction to the Principal Secretary, Irrigation Department, Punjab, to hold a fact-finding enquiry and if the stand taken on behalf of the petitioner is found to be correct, let appropriate proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for the acquisition of petitioner's land and to pay compensation to the petitioner in accordance with law.

The needful shall be done within a period of six months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

October 21, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

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