

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.26427 of 2016.

Date of Decision: December 20, 2016

Gulab Singh

.....Petitioner

versus

State of Punjab and another

.....Respondents

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

Present: Mr.J.P.S.Sidhu, Advocate, for the petitioner.
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 two copies of the writ petition be supplied to the 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, there is no need to seek any counter-reply from the respondents at this stage.

The grievance of the petitioner is that his land measuring 468.44 marla situated within the revenue estate of village Gobindpura, District Mansa, has been acquired by the State of Punjab for the Power

company. His grievance is that full amount of compensation has not been paid as the respondents have withheld an amount of Rs.74,85,518/- qua 23.422 kanals of land. The petitioner further allege that the respondents have wrongly paid the compensation to such persons who were not the owners of acquired land.

Having heard learned counsel for the parties, we are of the considered view that it is imperative upon the respondents to verify the title of the acquired land and ensure that the due amount of compensation is paid to all the true owners. If on such an enquiry it is found that the petitioner was the true owner of the acquired land to the extent of 468.44 marla, he shall have to be paid compensation for the said land. Similarly, if the authorities have released the compensation amount to a wrong person who was not entitled to, it is for the authorities to take remedial action in accordance with law. The writ petition is accordingly disposed of with a direction to respondent No.2 to hold a fact-finding enquiry by associating the petitioner and after ascertaining his title qua the acquired land, let the payment of balance amount of compensation, if any, be made taken within a period of four months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

December 20, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned
Whether Reportable

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