

CWP No. 6940 of 2016. [O&M]
Date of Decision: 02nd May, 2016.

State of Punjab & Ors.	Respondents
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The petitioners seek quashing of the notifications dated 13.11.1992 and 21.07.1993 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 as well as the Award dated 22.02.1995 on the ground that these acquisition proceedings are purportedly in violation of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

[2]. In our considered view, the writ petition is totally frivolous and is liable to be dismissed on merits as well as for want of *locus-standi*, for the reasons stated here-in-after.

[3]. The petitioners themselves have averred in Para No. 2 of the writ petition that they are “*tenants in the land*” at Village Lambian, Tehsil & District SAS Nagar. The tenancy is claimed on the basis of a lease agreement dated 08.10.1994 [P-1]. The land on which the petitioners claim to have raised their temporary structures was

acquired vide the impugned notifications issued in the year 1992-93. It is obvious that the so-called lease agreement was executed much after issuance of notification under Section 6 of the 1894 Act. No right to retain possession on the basis of such an agreement can be claimed or granted to the petitioners. If at all, the petitioners are *bona-fide* tenants, the only relief which they can seek is for apportionment of compensation for which they will have to file a claim against their landlord[s]. They have no *locus-standi* to challenge the acquisition.

[4]. The petitioners have further tried to create confusion by referring to a decision dated 17.10.2012 of this Court whereby a bunch of writ petitions including **CWP No. 8278 of 2011 [Lakhmir Singh & Ors. Vs. State of Punjab & Ors.]** were disposed of by constituting a Committee headed by the Legal Rememberancer of Punjab to decide the questions formulated by this Court in that very judgment. Those questions pertained to the benefits sought by the residents of village Lambian under a Special Rehabilitation Scheme formulated for the benefits of the oustees of their village whose land was acquired for development of Urban Estate, SAS Nagar. The petitioners can draw no benefit out of that Court decision or the Special Rehabilitation Scheme for the reason that they are admittedly not the owners of the acquired properties.

[5]. In fact, the petitioners are abusing the process of law as they had earlier filed **CWP No. 21101 of 2013** claiming the benefits of the Special Rehabilitation Policy on the ground that they are “tenants/un-authorised occupants” of commercial and residential

premises of village Lambian. Their writ petition along with other bunch of cases were dismissed on 13.10.2015. The issue now raised could, have been very well raised in the previous writ petition. The manner in which the repeated writ petitions are being filed by a group of persons claiming themselves to be residents of village Lambian unfolds their ulterior motive to retain unlawful possession of the acquired properties.

[6]. For the reasons aforementioned, we dismiss this writ petition in *limine*. Registry is directed to send a copy of this order to the Chief Administrator, GMADA and Deputy Commissioner, SAS Nagar, with a direction to them to take lawful action against the unauthorised occupants of the acquired land, of course, by following the principles of natural justice and send a compliance report.

(SURYA KANT)
JUDGE

May 02, 2016.
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(A.B.CHAUDHARI)
JUDGE