

**IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH**

CWP No. 13658 of 1994 (O&M)

Date of decision: 23.2.2017

Kailash and another

..... Petitioners

VS

The State of Punjab and others

..... Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
 Hon'ble Mr. Justice Harinder Singh Sidhu**

Present None for the petitioners.

Mr. Piyush Bansal, Deputy Advocate General, Punjab.

Mr. S. C. Pathela, Advocate, for respondent nos. 2 and 3.

Rajesh Bindal J.

The petitioners-landowners have filed the present petition seeking a direction to the respondents to pay the amount of compensation as awarded by respondent no.2 vide order dated 10.1.1994 in an application filed under Section 28A of the Land Acquisition Act, 1894 (for short, 'the Act').

In the written statement filed, the stand of respondent nos. 2 and 3 is that the writ petition is pre-mature as they had filed application under Section 28-A(3) of the Act to the Collector for referring the dispute to the Court. The application was still pending. The application filed by the petitioners before the Collector under Section 28A of the Act was time barred.

Counsel for the petitioners was not available when the case was taken up for hearing.

Even the counsel for the Improvement Trust was not having the status of the application filed by it before the Collector under Section 28A (3) of the Act.

After considering the aforesaid factual matrix, where the impugned order was passed by the Collector on 10.1.1994 and immediately thereafter the respondent- Improvement Trust filed application under Section 28A(3) of the Act before the Collector for referring the dispute to the Court, the matter may have been decided by now, hence, at this stage, after more than two decades, we do not find that any direction is required to be issued as the parties will abide by any order passed by the Court in the reference sought by the Improvement Trust.

In view of the aforesaid factual matrix, prima facie, no interference is called for in the present petition. However, as counsel for the petitioners is not available, the writ petition is dismissed for non-prosecution.

(Rajesh Bindal)
Judge

23.2.2017
vs

(Harinder Singh Sidhu)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No