

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

-:-

**C.W.P No. 20329 of 2016 (O&M)
Date of Decision : 12.10.2017**

Ranga Singh & Ors.

... Petitioners

versus

State of Punjab and Ors.

... Respondents

**CORAM : HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present : Mr. Munish Puri, Advocate, for the petitioners.

Mr. P.S. Bajwa, Addl. A.G., Punjab.

RAJESH BINDAL, J.

Petitioners herein approached this Court for quashing of notification dated 03.02.2014 (Annexure P/1) issued under Section 4 of Land Acquisition Act, 1894 (for short '1894 Act'). Further prayer has been made for direction to the respondents to initiate fresh acquisition proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 (for short '2013 Act') for acquisition of the land, as physical possession thereof has been taken and the road is being constructed or in the alternative possession of the land be given back to the petitioner.

In the reply filed on behalf of respondent Nos. 2 and 3 the stand taken is that as per the instructions dated 07.03.2014, the case of the petitioners has to be dealt with under 2013 Act because notification under Section 4 of 1894 Act was published on 03.02.2014 i.e after the 2013 Act had come into force. Hence, the proceedings under the 1894 Act had become null and void. Intimation has accordingly been sent to the acquiring department to proceed in accordance with law.

Considering the aforesaid stand taken in the written statement, in our opinion grievance raised by the petitioners is redressed. As such no further order is required to be passed.

In case the possession of the land of the petitioner has been taken, needful shall be done by the authorities within six months.

The petition stands disposed of.

(RAJESH BINDAL)
JUDGE

(GURVINDER SINGH GILL)
JUDGE

October 12, 2017
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Whether speaking/reasoned – Yes/No
Whether reportable – Yes/No