

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

CWP No.19290 of 2017
Date of decision: 11.09.2017

Kuldeep Singh Dhaliwal and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. R.S. Rangpuri, Advocate for the petitioners.

ARUN PALLI, J. (Oral)

This is a petition under Articles 226 & 227 of the Constitution of India, praying a writ in the nature of mandamus, directing the respondents to permit the petitioners to change their option from land-pooling Scheme to get compensation in lieu of their acquired land.

Petitioners purport to be the owners of a land, measuring 24 bighas, situated in Village Mullanpur Garibdas, Tehsil Kharar, District SAS Nagar. The land of the petitioners was acquired by GMADA pursuant to an award No.547, dated 31.12.2013, for the Medicity-2 scheme. Petitioners were served with a notice under Section 9 of the Land Acquisition Act, 1894, bearing No.486, dated 28.10.2013 (Annexure P2), wherein land of the petitioners under acquisition i.e. 24 bighas including khasra No.80, measuring 01 bigha 19 biswas, was duly depicted. Options were invited by the authorities from the land owners to either receive the compensation in lieu of their land or to give option for land-pooling Scheme. The case set out by the petitioners is that they acted upon the said notice (Annexure P2) and

opted for a land-pooling Scheme, for they were entitled to a standard size plot(s). However, a year later, the petitioners were informed that owing to an accidental error, the land comprised in khasra No.80 was shown as 01 bigha 19 biswas in the notice No.486, dated 28.10.2013 (Annexure P2), whereas the area that was acquired from the said khasra number was 01 bigha 03 biswas only. Meaning thereby, the land 16 biswas from the said khasra number was never acquired. And that being the case, it was no longer beneficial to the petitioners to persist for allotment of a site under the land-pooling Scheme. For they could only be allotted a non-standard size plot(s). Resultantly, the petitioners represented to the authorities to permit them to switch to another option i.e. to award compensation. It is urged that repeated representations made by the petitioners to the respondents in this regard have failed to evoke any response. And as a result, they have neither received the compensation for their land nor allotted any site under the land-pooling Scheme.

In conspectus of the above, and without going into the merits of the claim of the petitioners, the writ petition is disposed of, at this stage, only with a direction to the respondents to consider and decide the representations made by the petitioners, dated 20.10.2016 & 23.05.2017 (Annexures P4 & P5) within eight weeks from the receipt of certified copy of this order. Needless to assert, a comprehensive order shall be passed in accordance with law. And, if deemed necessary, the petitioners shall be afforded an opportunity of hearing.

September 11, 2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO