

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

**CM No.10614-CWP of 2017 in/and
CWP No.25320 of 2014 (O&M)
Date of Decision:-August 04, 2017**

Varinder Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

**CORAM: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Gurvinder Singh Gill**

Present : Mr. Raman Sharma, Advocate for the petitioners.

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

Mr. Rupinder S. Khosla, Senior Advocate with
Mr. Sarvesh Malik, Advocate for GMADA.

Rajesh Bindal J:

This order will dispose of two petitions bearing CWP Nos.25320 of 2014 and 23033 of 2016 as common questions of law are involved therein.

The petitioners challenged the acquisition of land. Notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 were issued on 27.7.2012 and 3.5.2013, respectively. During the pendency of the present petition, on July 12, 2016 this Court passed the following order:-

“The total land holding under the possession of the petitioners is slightly more than 64 biswas. They are having 15 small shops which are obviously the source of sustenance of 15 families.

Let the State Government in consultation and association with GAMADA and Gram Panchayat of village Mullanpur Garibdas explore the possibility of constructing booths on a small piece of land which can be allotted to the petitioners through draw of lots in lieu of thier acquired property. In such an event, the petitioners would not be entitled to claim any compensation.

List on 1.9.2016.

A copy of this order be given dasti to Mr. Rupinder S. Khosla,

Sr. Advocate, for respondent No.2 and Mr. NDS Mann, Additional Advocate General, Punjab duly attested by the Bench Secretary.”

In pursuance thereto Mr. Rupinder S. Khosla, learned counsel appearing for GMADA had produced minutes of meeting of the Authority held on 12.7.2017 approving allotment of plots measuring 10 square yard to each of the petitioners, in Eco City-I, New Chandigarh. Allotment is being made to the petitioners as a special case. It shall be made on the reserve price as on the date meeting was held by the Authority. 25% of the allotment price shall be payable within 30 days of allotment and balance 75% shall be payable in six monthly installments within next four years. Possession of the site of booth shall be delivered on deposit of 25% of the allotment price. Construction has to be raised within three months from the date of taking possession. Along with allotment letter the building plan for construction of the booth shall also be supplied to the allottees. The petitioners shall be paid compensation for the acquired land owned by them.

The aforesaid offer is acceptable to the petitioners.

Keeping in view the fair stand taken by learned counsel for the parties, the present petitions are disposed of in terms of the stand taken by the learned counsel for GMADA. It is made clear that after the possession of the plots is delivered to the petitioners, three months thereafter the GMADA shall be entitled to take possession of the acquired land.

The petitions are disposed of accordingly.

(Rajesh Bindal)
Judge

August 04, 2017

pankaj
Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

(Gurvinder Singh Gill)
Judge