

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.25054 of 2015 (O&M)

Date of Decision:- 6.12.2017.

Lakhbir Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

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

Present:- Mr. Pritam Singh Saini, Advocate for the petitioners.

Mr. Kulbir Singh Sekhon, Advocate for
Mr. Naresh Kaushal, Advocate for the petitioners
in CWP No.1485 of 2016.

Mr. P.S. Bajwa, Additional Advocate General, Punjab.

Mr. Vikas Chatrath, Advocate and
Mr. Khushkaran Kumar, Advocate for respondent No.2.

Rajesh Bindal, J.

This order will dispose of a bunch of Civil Writ Petitions bearing CWP Nos.25054 of 2015, 1485, 2945 of 2016, 3571 and 15585 of 2017 as common questions of law are involved therein.

The petitioners have challenged the order dated 16.7.2015 passed by the Land Acquisition Collector, Punjab State Power Corporation Limited, Patiala on an application filed by the Jumla Mustarka Malkan under Section 28-A of Land Acquisition Act, 1894 (for short 'the Act')

seeking re-determination of compensation. The acquisition of land was carried out vide notifications dated 5.4.1990 and 23.5.1990 issued under Sections 4 and 6 of the Act, respectively. Award was announced by the Land Acquisition Collector (for short 'the Collector') on 9.6.1992.

The submission made by learned counsel for the petitioners is that the application filed by the petitioners was dismissed as not maintainable. The applicants before the Collector were only seeking re-determination of compensation in terms of the amount enhanced by the reference Court. The compensation awarded by the Collector was paid to the proprietors in terms of their share holdings.

Learned counsel for the respondents submitted that the matter could not be examined by the Collector as no material was produced by the applicants there to show their entitlement to compensation, especially with reference to their ownership. The land was recorded as Jumla Mustarka Malkan and it was being managed by the State. None was entitled to payment of any compensation. However, he could not dispute the fact that the application was dismissed by the Collector on account of the applicants not furnishing the requisite documents.

After hearing learned counsel for the parties, in our view the order passed by the Collector dated 16.7.2015 deserves to be set aside and the matter remitted back to the Collector for re-consideration, giving liberty to the applicants to produce the documents in support of their claim as the petitioners have been non-suited only on the ground of non submission of certain documents, which the petitioners may now submit. The department shall also be at liberty to produce any material before the Collector, as it is

sought to be disputed that the applicants before the Collector can't claim compensation for the acquired land what to talk of enhanced compensation.

Ordered accordingly.

The parties are directed to appear before the Collector on 29.1.2018.

The writ petitions stand disposed of accordingly.

(Rajesh Bindal)
Judge

6.12.2017.

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No