

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

CWP No.2692 of 2016
Date of decision: 10.08.2017

Jaspal Kaur and another

... Petitioners

Versus

Union of India and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Naresh Kaushal, Advocate for the petitioners.
Mr. Puneet Jindal, Senior Advocate with
Ms. Neha Anand Mahajan, Advocate for respondent No.1.
Ms. Lavanya Paul, AAG, Punjab.

ARUN PALLI, J. (Oral)

This is a petition under Articles 226 & 227 of the Constitution of India, praying for a writ in the nature of certiorari, to quash the orders dated 09.11.2015, Annexures P8 & P9, respectively, passed by respondent No.2.

Concededly, the applications moved by the petitioners under Section 28-A of the Land Acquisition Act, 1894 (for short, 'the Act') for re-determination of the compensation were rejected by the Sub Divisional Magistrate-cum-Land Acquisition Collector, Kharar, for the award dated 22.02.2012, on the basis of which the petitioners had sought re-determination, pertained to Villages Badala and Nayashahar. Whereas, the land holding of the petitioners were situated in Villages Bhago Majra and Peer Sohana.

Learned counsel for the petitioners submits that respondent No.2 erred to reject the applications moved by the petitioners, for vide a

common notification dated 28.11.2000 (Annexure P1), the land situated in different Villages, including the revenue estates of Villages Bhago Majra and Peer Sohana was acquired by the respondents. And, all the claimant-land owners were awarded compensation at a uniform rate by the Reference Court.

In response, learned senior counsel for the respondents fairly submits that in fact the Land Acquisition Collector only referred to the award, dated 22.02.2012, rendered by the Reference Court, whereas there was no dispute that even the land of the petitioners was acquired pursuant to the same acquisition.

That being so, the only and the inevitable conclusion that could be reached is; that the impugned orders are unsustainable. Accordingly, the orders dated 09.11.2015 (Annexures P8 & P9) are set aside. The matter is remanded to the Collector for re-decision of the applications moved by the petitioners under Section 28-A of the Act, in accordance with law. Parties to this petition shall appear through their respective counsel before the Collector (respondent No.2) on 21.08.2017. Since the acquisition pertains to the olden times, the Collector is directed to decide the matter and pass appropriate orders within two months from the date the parties shall appear before him.

Writ petition is disposed of in the above terms.

August 10, 2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO