

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

114

CWP No.23563 of 2017

Date of Decision:12.10.2017

Harjinder Kaur and others

....petitioners

Versus

State of Punjab and another

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Mohit Jaggi, Advocate
for the petitioners

ARUN PALLI, J. (ORAL):

Notice of motion.

Mr.Jagmohan Ghumman, DAG Punjab, present in the Court,
accepts notice on behalf of the respondents. Copy furnished.

For, the nature of order I propose to pass, no formal written
statement/counter affidavit on behalf of the respondents are indeed
necessary, at this stage. Thus, with the consent of learned counsel for the
parties, the petition is being disposed of finally.

Petitioner No.3 and his late brother Wazir Singh(predecessor-
in-interest of petitioner Nos.1 and 2) had purchased a land measuring 9
kanals 18 marls, situated in village Chao Majra, Tehsil and District SAS
Nagar, Mohali, vide sale deed dated 18.11.2004 (Annexure P1).

Vide notification dated 22.12.2010, issued under Section 4 of
the Land Acquisition Act, 1894 (for short, 'the Act'), the State Government
had acquired a chunk of land, including the land purchased by petitioner

No.3 and late Wazir Singh. Vide award No.527, dated 13.12.2011, the Collector assessed the value of the acquired land. It is urged that originally, Mehar Singh son of Kartar Singh, was the owner of the disputed land i.e. 9K-18M, and post his demise, there was dispute between his heirs. A Civil Suit No.113 of 04.04.2002, was filed by his widow Angrej Kaur against Jaswant Kaur and Kulbir Singh, in which late Wazir Singh and petitioner No.3 were also arrayed as defendants. However, the said suit was dismissed, vide judgement and decree dated 02.02.2013 and petitioner No.3 and his brother Wazir Singh were held to be the bona fide purchasers of the land in dispute. The appeal preferred by Angrej Kaur against the said decree was withdrawn on 17.10.2015. Likewise, even one Rajinder Kumar Mittal, who alleged to have purchased the disputed land, vide sale deed dated 17.08.2007, had filed a suit assailing the sale deed dated 18.11.2004, registered on 22.11.2004, in favour of petitioner No.3 and late Wazir Singh. However, the said suit was dismissed as withdrawn on 18.11.2015.

The case set out by the petitioners is that the entire civil litigation as regards their land holding has since come to an end. And, there is hardly any reason, least plausible to deny them the compensation, in terms of the award rendered by the Collector. So much so, it is urged that the representations dated 21.04.2017 (Annexure P10 and P11 Colly), made to the respondents, in this regard, have failed to evoke any response.

As apposed to this, learned State counsel submits that the grievance of the petitioners as also their representations dated 21.04.2017 (Annexure P10 and P11 Colly), shall be considered and decided by the respondents, within a period of eight weeks from today and an appropriate order, in accordance with law, shall be passed.

Accordingly, the writ petition is disposed of in the above terms.

Needless to assert that in the event the petitioners are not found entitled to the compensation being claimed, the competent authority shall pass a comprehensive order, assigning reasons, in support thereof.

October 12, 2017
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(ARUN PALLI)
JUDGE

Whether speaking/reasoned	Yes/No.
Whether reportable-	Yes/No