

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

**CWP No.24927 of 2017
Date of Decision : 02.11.2017**

Malwinder Kaur and another

.....Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Naresh Kaushal, Advocate for the petitioners.

ARUN PALLI, J. (Oral)

Notice of motion.

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

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

The case set out in the petition is that the land owned by the petitioners was acquired by the respondents pursuant to an award No.499, dated 25.05.2009, rendered by the Collector for construction of 200 feet wide road running from Sectors 66 to 66-A Junction to NH 64 (Zirakpur to Patiala). Concededly, the petitioners never filed objections under Section 18 to the award made by the Collector. However, in the land references of the co-landowners, the reference Court, vide award, dated 02.09.2013, enhanced the compensation to Rs.2,58,00,000/- per acre. Resultantly, the petitioners also

moved the Collector under Section 28-A of the Act, vide application dated 30.09.2013 (Annexure P-2), for re-determination of compensation.

Likewise, vide award No.508, dated 16.04.2010, another chunk of land belonging to the petitioners was acquired by the State Government. Again, the petitioners failed to file objection to the award rendered by the Collector in those proceedings. However, in the land references of the co-landowners, the reference Court enhanced the compensation vide award, dated 12.08.2013 to Rs.2,61,87,000/- per acre (Annexure P-3). As a result, the petitioners filed an application under Section 28-A of the Act, dated 13.09.2013, seeking re-determination of compensation to the Land Acquisition Collector. The limited grievance that the petitioners have, at this stage, is that although, their applications under Section 28-A, as indicated above, are pending before the Collector for a considerable time, but have yielded, no result.

In response, learned State counsel submits that the grievance as also the claim of the petitioners shall be considered and the appropriate orders on their application under Section 28-A of the Act, that are alleged to be pending before the Collector, shall be passed, in accordance with law, within three months from today.

That being so, the petition is disposed of, in the above terms. However, in the event, the petitioners are not found entitled to the relief that is being claimed, the respondents shall pass a comprehensive order assigning reasons in support thereof.

02.11.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No