

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

CWP No.6275 of 2015
Date of decision : 19.01.2017

Shingara Singh

...Petitioner

Versus

Chief Engineer PWD (B&R) Punjab Chandigarh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Dinesh Ghai, Advocate and
Mr. Hitesh Ghai, Advocate for the petitioner.

Mr. Yatinder Sharma, Addl. A.G. Punjab.

AMIT RAWAL, J. (Oral)

The petitioner is aggrieved of the action of the respondents in taking away the valuable land owned by them without payment of the compensation.

Mr. Hitesh Ghai, learned counsel appearing on behalf of petitioner submits that no person can be deprived of the land without giving compensation as envisaged under Article 300-A of the Constitution of India. The factum of non-payment of compensation is evident from the contents of para No.2 of the written statement. Contention of which has been drawn to this Court, which reads thus:-

“2. That it is pertinent to mention here that at that time all the persons including petitioner was happy and did not raise any objection for using their land for the purpose of

road and Dhusi Band and they themselves had given their land because due to this development, the market value of their remaining land had become higher/more. And due to this reason, prior to this, neither petitioner nor any other person approached to the answering respondent. They never raised any objection or raised any demand for any compensation of the land used for the purpose of road and Dhusi Band, which was used in the public interest and for the development of the area. Keeping in view the development of area, none of the persons, the land of which was used for this purpose had created any hindrance or restriction in the construction of the road.”

This fact has not been disputed by Mr. Yatinder Sharma, Addl. A.G. Punjab. It has been brought to the notice of this Court that already the land was taken into possession by the respondent and road has been constructed thereon. It is strange that Chief Engineer has taken action in the manner and mode indicated *ibid*. Action is in violative of Article 300-A of the Constitution of India. Neither any demarcation or any procedure for acquisition of land under the prevailing Acquisition Act/Law, has been taken. Such an action is highly deplorable. It is just an Act of Dictatorship which is not appreciable in democratic set up.

Resultantly, I deem it appropriate to dispose of the present writ petition by imposing cost of ₹1,00,000/-. In order to enure benefit of the aforementioned order of mine to all other persons who has not approached to this Court. All the persons if approach the Chief Engineer for payment of compensation assessed in view of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the aforementioned exercise be done as expeditiously as possible

within a period of 10 months but since petitioner has been constrained to approach this Court as his valuable right has been taken, compensation by way of cost of ₹1,00,000/- has been imposed on the respondent(s) to be paid to the petitioner within a period of one month from the date of receipt of certified copy of the order.

Writ petition is disposed of.

19.01.2017

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No