

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

CWP No.28139 of 2017
Date of decision: 20.12.2017

Pallo and others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Amit Aggarwal, Advocate for the petitioners.

ARUN PALLI, J. (Oral)

This is a petition under Article 226/227 of the Constitution of India, praying for a writ in the nature of mandamus, directing the respondent to refer the land reference (Annexure P1) filed by the petitioners, under Section 28A(3) of the Land Acquisition Act 1894 (for short, 'the Act'), to the Civil Court for determination of just and appropriate compensation the petitioners are entitled to.

Vide notification dated 16.12.1976, issued under Section 4 of the Act, a land situated in village Jassi Piauwalli, Tehsil and District Bathinda, was sought to be acquired for setting up of Industrial Focal Point Bathinda. The final declaration under Section 6 was published on 22.02.1977. Vide award No.2, dated 15.03.1977, the Land Acquisition Collector assessed the market value of the acquired land. Concededly, the petitioners never filed objections under Section 18 to the award rendered by the Collector. However, in the land references under Section 18 of few of the landowners, arising out of the same acquisition, the Reference Court, vide

award dated 07.05.1991, enhanced the compensation awarded to the claimant-landowners. As a result, the petitioners moved the Land Acquisition Collector under Section 28A of the Act for re-determination of compensation in terms of the award dated 07.05.1991. The case set out in the petition is that; although the said application was moved on 30.07.1991, but was eventually accepted by the Collector on 24.04.2009, and the petitioners were awarded the same compensation as granted vide award dated 07.05.1991 by the Reference Court. But, the limited grievance that the petitioners have is; that post decision by the Collector, the petitioners moved an application under Section 28A(3), requiring the Collector to refer the matter to the Civil Court, and even though a considerable time has elapsed, their application (Annexure P1) continues to await decision thereupon.

In conspectus of the above, the petition is disposed of, without going into the merits of the case, only with a direction to the respondent to ascertain whether any such application, as purport to have been moved by the petitioners, under Section 28A(3), dated 17.08.2009, was ever made. In the event, the petitioners did move any such application, and the same is still pending, the respondent shall deal therewith strictly in accordance with law, and pass appropriate orders within six weeks from the receipt of certified copy of this order.

20.12.2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO