

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 566 of 2017 (O&M)
Date of decision: 2.3.2017

Amitab Singh and others

.. Petitioners

v.

Union of India and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. H. S. Taragarh, Advocate for the petitioners.
Mr. Chetan Mittal, Senior Advocate with
Mr. Udit Garg, Advocate for respondents No. 1 and 2.

Mr. Piyush Bansal, Deputy Advocate General, Punjab.

...

Rajesh Bindal J.

The only grievance of the petitioners is that though the notification was issued on 11.11.2004 (Annexure P-2) imposing restriction on release of land within a distance of 1,000 yards from the crust of the outer parapet of Vallah ammunition dump, Amritsar, however, till date, no award has been passed under the Works of Defence Act, 1903 (for short, 'the Act').

Learned counsel for the petitioners referred to an earlier order passed by this Court in CWP No. 23259 of 2011—Bakhshish Singh and others v. Union of India and others, decided on 30.7.2013, where direction was issued to the competent authority to pass award within a period of four months from the date of receipt of certified copy of the order.

Learned counsel for the State submitted that the award in terms of the provisions of the Act shall be passed in the case of the petitioners and all other landowners, who have been affected by notification dated

11.11.2004 within a period of four months from the date of receipt of copy of the order.

Learned counsel for Union of India pointed out that in the area, which is covered by notification dated 11.11.2004, large number of constructions are already existing. In fact, the restriction imposed vide aforesaid notification may not apply to them as they have already used the land as per wish. He further submitted that before passing the award, the competent authority may hear respondent No. 2 or his representative.

After hearing learned counsel for the parties, the present petition is disposed of with a direction to the competent authority under the provisions of the Act to assess the compensation payable to the landowners, who are affected by notification dated 11.11.2004. Before passing the award, the competent authority shall hear respondent No. 2 or his representative. The needful shall be done within four months from the date of receipt of copy of the order. The amount of compensation assessed shall be transferred in the accounts of the landowners immediately thereafter.

The petition stands disposed of.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

2.3.2017
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No