

CWP No.747 of 2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.747 of 2017
Date of decision: 14.02.2017

Paramatma Singh and others

....Petitioners

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: - Ms. Anupam Bhanot, Advocate, for the petitioners.

RAMENDRA JAIN, J.

1. By way of instant writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of *mandamus* for a direction to quash the advertisement (Annexure P-3) published by the respondents in newspapers without deciding the claim of the petitioners. Further prayer has been made for directing the respondents to consider the claim of the petitioners under the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in the said auction and for considering the claim of the petitioners for allotment of shops on the basis of Annexures P-2 and P-4.

2. Put pithily, petitioners were given land on lease by the Gram Panchayat Naushera Pannuan, District Tarn Taran and by the private land owners by passing a resolution in this regard. Petitioners raised construction on the rented/leased land and later some shops were constructed by the Gram Samiti. Petitioners were running their shops in the

said land for the last more than 25-30 years. Petitioners were sanctioned

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electricity connection as lessee on the said shops. Respondent No.1 issued notification under Section 3-A of the National Highway Act, 1956 for acquiring the land, including the land in question for four laning of NH-15. Petitioners submitted representation dated 28.05.2013 (Annexure P-1) to the Deputy Commissioner seeking appropriate compensation due to displacement. However, without deciding the representation/objections of the petitioners, final award was passed and Panchayat Samiti and the land owners were paid the compensation. Petitioners again submitted representations dated 14.07.2015 (Annexure P-1a) and dated 12.09.2016 (Annexure P-1b) to the respondents seeking rehabilitation compensation. However, without compensating the petitioners, vide Annexure P-3 respondent No.6 issued advertisement for auction of newly constructed shops. In view of the decision in CWP No.21474 of 2016, petitioners approached the authorities by filing the representation but till date no concrete or effective effort has been made to rehabilitate and compensate the petitioners. Hence, this writ petition.

3. Learned counsel for the petitioners submitted that possession of the shops in question was illegally taken from the petitioners and no compensation has been paid to them for displacement. Petitioners were running their business in the shops in question for more than 25-30 years.

4. After going through the record and giving our thoughtful consideration to the submissions made by learned counsel for the petitioner, we find that the writ petition is completely devoid of any merit.

5. Admittedly the land in question has been acquired for widening the national highway after following due procedure. The owners of the

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land/Panchayat has been paid the compensation in lieu of acquisition. Petitioners failed to bring on record any evidence to establish that they are entitled to any compensation in lieu of displacement/demolition of their shops. Even the lease deed, as claimed, has not been brought on record. The petitioners have no right over the said land which belongs to the Panchayat/private land owners and has now been acquired by the Government. Thus no illegality could be noticed in the advertisement published by the Panchayat Samiti for the auction of the newly constructed shops.

6. In view of the above, we are not inclined to interfere with the impugned advertisement. Hence, the writ petition stands dismissed.

(RAMENDRA JAIN)
JUDGE

February 14, 2017
R.S.

(AJAY KUMAR MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No