

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 8734 of 2017 (O&M)

Date of Decision: 27.04.2017

Dilbagh Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Malkeet Singh, Advocate
for the petitioners.

RAJESH BINDAL,J.

1. The petitioners have filed the present petition praying for quashing of notification dated 3.9.1979 issued under Section 4 of the Land Acquisition Act, 1894, (for short 'the Act'), notification dated 28.11.1979 issued under Section 6 of the Act and award dated 29.5.1981 passed by the Land Acquisition Collector, PSEB, Patiala. For the purpose, reliance is sought to be placed on Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the 2013 Act').

2. Learned counsel for the petitioners submitted that Predecessor-in-interest of the petitioners was owner of agricultural land comprising in Khasra No. 4//28/2 (4-6) and 4//28/1 (2-12), which was purchased vide registered sale deed dated 26.3.1971. The aforesaid land was sought to be acquired vide notification dated 3.9.1979 issued under Section 4 of the Act for the purpose of construction of 33 KV Sub Station, Hakima Gate, Amritsar, which was followed by notification dated 28.11.1979 issued under Section 6 of the Act and thereafter award dated 29.5.1981 was passed

on the basis of sale deed was entered after the acquisition proceedings were completed.

3. The contention raised is that the compensation having not been paid to the petitioners and the possession having not been taken, the acquisition lapsed in terms of Section 24(2) of the 2013 Act.

4. After hearing learned counsel for the petitioners, we do not find any reason to interfere in the present petition.

5. It is admitted case of the petitioners that they were not the recorded owners in the revenue record when the acquisition was carried out. Hence, there was no question of payment of compensation to the petitioners. As per the details given in the award, the amount of compensation was paid to the landowners, who were recorded in the revenue record at the time of acquisition. The possession of the land was taken by the erstwhile Punjab State Electricity Board, as the same was acquired for construction of 33 KV Sub Station, Hakima Gate, Amritsar. Hence, the petitioners do not satisfy either of the conditions laid down in Section 24(2) of the 2013 Act. Therefore, we do not find that any case is made out to interfere in the present petition and the same is accordingly dismissed.

(RAJESH BINDAL)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

27.04.2017
reema

Whether speaking/reasoned

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Yes/No

Whether Reportable:

Yes/No