

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 15.05.2018****COCP No.715 of 2015 (O&M)**

Jagjit Singh & others

...Petitioners

Vs.

Jasvir Kaur & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. G.S.Kaura, Advocate, for the petitioners.

Mr. P.S.Bajwa, Addl. AG, Punjab.

Mr. P.S.Hundal, Senior Advocate, with
Mr. Jashandeep Singh, Advocate, for respondents No.1 to 6.

Mr. Onkar Rai, Advocate, for respondent No.8.

Mr. Manish Joshi, Advocate, for respondents No.9 & 10.

Mr. Vivek Singla, Advocate, for respondent No.11.

Mr. Lokesh Sinhal, Advocate, as Amicus Curiae.

RAJIV NARAIN RAINA, J. (ORAL)

By an elaborate order dated 02.06.2017, this Court culled out the facts of the case and proceeded to direct the constitution of a Committee comprising the Secretary, Revenue Department; the Director, Rural Development & Panchayat Department; the Director, Consolidation & Land Records and Additional Deputy Commissioner (Development), Fatehgarh Sahib to examine the matter regarding disbursal of compensation to the land owners of Village Talwara, Tehsil Amloh, District Fatehgarh Sahib payable in lieu of acquisition of land acquired by the Indian Railways and submit a

preliminary report within three months from the date of the order. Pursuant thereto, the Committee has deliberated and submitted its report dated 15.11.2017, a copy of which is attached with the affidavit filed by the Joint Secretary to Government of Punjab dated 22.11.2017. The relevant extract of the report is as under:

“13. This committee discussed and reflected on the controversy involved, rather, created by the order of Director, Consolidation of Holdings, Punjab, dated 08.11.1985 and the law laid down by Hon’ble Supreme Court of India in Gram Panchayat Noorpur versus State of Punjab and is of the unambiguous and firm opinion that the order passed by the Director Consolidation was not a legal order. It is only the Collector u/s 11 of the Punjab Village Common Lands (Regulation) Act, 1961, who is the competent authority to decide whether or not the Gram Panchayat is the owner of 1202 Kanal 09 Marla of land, which was wrongly declared to be recorded as shamlat deh hasab hisas malkiat. As mentioned earlier, the Collector and the Commissioner had earlier rejected the claims of the Gram Panchayat only on the basis of the fact that the order of Director, Consolidation had attained finality up to the Hon’ble Supreme Court. So, it would be in the fitness of things and in public interest also if the Collector as defined in the Punjab Village Common Lands (Regulation) Act, 1961 decides the matter of ownership of 1202 Kanal 09 Marlas of land of village Talwara, afresh.”

As far as payment of compensation is concerned, the Committee considered the issue and has opined that the amount lying in the fixed deposit should only be disbursed after the issue of ownership of the acquired land is settled by the Collector. Ownership of the property in dispute is yet to be established by conclusive evidence to be produced by the parties concerned. Only then can the amount of compensation be disbursed to the true owners of the acquired land.

In view thereof, no further orders are called for in the instant contempt petition. Notice is discharged.

The petition is dismissed.

15.05.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No