

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15651-2009 (O&M)

Date of Decision: August 23, 2018

Amrik Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.HNS Gill, Advocate for applicant- petitioner No.2.
Ms.Meenakshi Sharma, Advocate for
Mr.M.L.Sharma, Advocate for the petitioners.

Mr.Sandeep Virmani, Addl.AG, Punjab.
Mr.Naresh Prabhakar, Advocate for respondent Nos.2&3.
Mr.Sanjay Vij, Advocate for respondent No.3.

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SURYA KANT, J.(ORAL)

The land owned by petitioners measuring 68 kanals-11 marlas situated within the revenue estate of village Balo Majra, Hadbast 32 and village Daon, District SAS Nagar, Mohali was acquired by State of Punjab vide Notifications dated 13.02.2009 and 10.08.2009 issued under Sections 4&6 of the Land Acquisition Act, 1894, respectively. In this manner, the land stood vested in the State of Punjab free from all incumbrances. It appears that acquisition was made for completion of a Mega Housing Project by a private company known as M/s Taneja Developers and Infrastructure Ltd., Chandigarh. The aggrieved petitioners approached this Court. As this Court granted ad interim stay order, the possession of the land remained

with the petitioners.

[2] During pendency of the writ petition, the land Acquisition Collector, Urban Development Department, PUDA, Bhawan, SAS Nagar, vide letter dated 28.05.2018 (Annexure A-1 with CM-8678-CWP-2018) has informed one of the petitioners that acquisition of their land measuring 22 acres “now stands lapsed”, as per Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for brevity, 'the 2013 Act'). He has further observed that if this land is to be acquired for the above-stated Project, then fresh notifications will have to be issued.

[3] Though the question of applicability and scope of Section 24(2) of the 2013 Act is sub-judice before the Hon'ble Supreme Court, however, since the Land Acquisition Collector himself has expressed a view, which we are not aware whether is with the approval of the State Government or not, the writ petition is disposed of at this stage without expressing any views on merit or on the question of applicability of Section 24(2) of the 2013 Act with a direction to the Principal Secretary, Housing and Urban Estate Department, Punjab, to verify the contents of the above-cited letter dated 28.05.2018 being relied upon by the petitioners and let the State Government take an appropriate decision with regard to the legal status of the subject acquisition. Needless to say that if the State Government is of the view that the acquisition is still valid, a reasoned order to this effect shall be conveyed to the petitioners with liberty to them to challenge the same in accordance with law. However, if the Government has decided not to utilise the acquired land for any public purpose, it may decide the petitioners' claim regarding releasing of the land from acquisition. Let an appropriate order be

passed within four months from the date of receipt of a certified copy of this order. Till such time the parties shall maintain status quo at the site.

(SURYA KANT)
JUDGE

August 23, 2018
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(SUDIP AHLUWALIA)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |