

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-27410-2013

Date of Decision: August 23, 2018

Kulwinder 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.Kanwaljit Singh, Sr.Advocate with
Mr.Sarthak Gupta, Advocate for the petitioners.

Mr.Sandeep Virmani, Addl.AG, Punjab.
Mr.Rupinder Khosla, Sr.Advocate with
Mr.Sarvesh Malik,Advocate for GMADA.

.....

SURYA KANT, J.(ORAL)

The petitioners are residents of village Bhagomajra, Tehsil and District SAS Nagar, Mohali. They are aggrieved by the Notifications dated 08.04.2013 and 28.10.2013 issued under Sections 4&6 of the Land Acquisition Act, 1894 (for brevity, 'the 1894 Act'), respectively. A perusal of the Notifications reveals that the Punjab Government entered into an agreement with M/s.Taneja Developers and Infrastructure Limited, Chandigarh for establishment of a Mega Township Project in Sectors 110 and 111 of SAS Nagar Mohali. For the purpose of composite and compact development of the said Project, the subject acquisition was decided to be

made. It further appears that the aggrieved petitioners filed objections under Section 5-A of the 1894 Act qua their land measuring 07.48 acres, but those objections were rejected by passing a cryptic order, dated 12.07.2013 (Annexure P-3). Thereafter, Notification under Section 6 of the 1894 Act was issued.

[2] The matter is pending in this Court since the year 2013 as dispossession of the petitioners was stayed. Meanwhile, no Award has been passed by the State Government. We are not aware whether or not during pendency of this writ petition, the Project has been completed and whether the respondents still require petitioners' land for its compact development? Suffice to say that if the land is required for such purpose, the objections ought to have been decided by way of a reasoned order fortifying the need in public interest. It, thus, appears that the matter requires reconsideration by the Department of Housing and Urban Development, Government of Punjab, with respect to the requirement of the land in question for completion of the Project and if so, the appropriate authority has to pass the Award as per law. As of now we set aside the order dated 12.07.2013 whereby objections filed by the petitioners were rejected without assigning any reason, and direct the Principal Secretary, Department of Housing and Urban Development, Government of Punjab to reconsider those objections in the light of the observations made hereinabove and take a fresh decision as per the requirement in public interest and for 'Public Purpose'. Let an appropriate decision be taken within a period of four months from the date of receipt of a certified copy of this order. Till such time, both the parties

petitioners are accepted, Section 6 Notification would obviously become redundant qua their land.

[3] Disposed of.

(SURYA KANT)
JUDGE

August 23, 2018
meenuss

(SUDIP AHLUWALIA)
JUDGE

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