

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.21331 of 2017

Decided on: 22.03.2018

Amrit Pal Singh Grewal & others

....Petitioners

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.S.S.Salar, Advocate, for the petitioner.

Ms.Akshita Chauhan, AAG, Punjab.

G.S. SANDHAWALIA, J. (Oral)

Petitioner has filed petition under Articles 226/227 of the Constitution of India and seeks quashing of the letter dated 26.05.2017 (Annexure P-16) and a writ in the nature of mandamus, directing the respondents to pay compensation for the land used by the respondents without acquiring the same and without payment of any compensation.

Counsel for the petitioner has stressed that vide letter dated 31.12.2010 (Annexure P-10), the State had addressed a letter to the Deputy Commissioner that the legal representatives of the allottee, Shri Pritpal Singh Grewal, who are now the present petitioners, be allotted the land measuring 4 biswa 14 biwansi, so that compliance of the order of this Court could be made.

It is pertinent to notice that when RSA-1120-1972 titled *Shri. Prithi Pal Singh Vs. Dr.Mohinder Singh Satija*, was decided on 03.05.1982 (Annexure P-2), it had been noticed that though the land had been acquired and transferred to the defendant/respondents, but the plaintiff had been given permanent allotment on 01.11.1955 and there was a lapse on the part of the Government and his claim for compensation may be considered,

keeping in view the facts and circumstances, if possible. Relevant portion of the judgment reads as under:

“6. Consequently, this appeal fails and is dismissed with no order as to costs. It may, however, be mentioned that the plaintiff was given permanent allotment on November 1, 1955 and it appears, that he is suffering because of the lapse on the part of the Punjab Government. His claim for compensation may be considered by the Punjab government keeping in view the facts and circumstances of this case, if possible.”

It is, thus, in such circumstances, the case was being processed. Thereafter, the petitioners had also approached the Writ Court earlier in CWP-5606-2009, to provide alternate site to the petitioners in lieu of the land acquired by the respondents without payment of any compensation, in pursuance of which, the letter dated 31.12.2010 (Annexure P-10), thus, had been issued. The said letter, has now been withdrawn vide communication dated 24.11.2017 (Annexure R-1), addressed by the Government of Punjab, Revenue & Rehabilitation Department, after the filing of the present writ petition and direction had been given to the Collector-cum-Deputy Commissioner, Ludhiana, to take action at its own level. Relevant portion of the letter reads as under:

“In view of the above circumstances, this department should not have issued the Memo No.16/6/2004 P.L.5/20201 dated 31-12-2010. Accordingly, the Government has quashed the Memo No.16/6/2004 P.L.5/20201 dated 31-12-2010. If it is found that the land of the petitioner's father has been acquired, and its compensation has not been paid till now, then the matter of making payment of compensation for acquisition of land of petitioner be taken up at your level. Further, it may be perused if any other land was also acquired under the scheme, and what compensation was paid for those lands.

The subject Civil Writ Petition is fixed for hearing on

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dated 28.11.2017 in the Hon'ble Punjab & Haryana High Court. Your are requested to file an affidavit informing the Hon'ble High Court incorporating therein full facts of the case that the letter dated 31-12-2010 has been quashed at the level of the Government, accordingly the petitioner is not entitled for allotment of any kind of land and the matter of making payment of compensation for acquisition of land of petitioner is to be taken up at your (Collector-cum-Deputy Commissioner, Ludhiana) level.”

Thus, the State itself has directed respondent No.2 to take action on the claim of the petitioner. Accordingly, the present writ petition is disposed of, with a direction to the said respondent to take action on the directions issued by the State, as reproduced above, within a period of 3 months from the receipt of a certified copy of this order.

22.03.2018
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*