

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CWP No.21016 of 2018
Date of Decision:31.08.2018**

Dalip Kumar and others ...Petitioners
Versus
Union of India and others ...Respondents

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

Present: Mr. R.S. Sihota, Senior Advocate with
Mr. B.R. Rana, Advocate
for the petitioners.

G.S. SANDHAWALIA, J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India for directions to the respondents to satisfy the claim of the petitioners being displaced persons on the ground that their predecessor-in-interest has been allotted 4 bighas 16 biswas of land on 21.10.1964 out of the land of Central Government by Rehabilitation Department and conveyance deed was executed on 25.09.1985 (Annexure P-3).

A perusal of the record would go on to show that Tulsi Ram predecessor-in-interest of the petitioners in view of allotment of 4 bighas 16 biswas for a sum of Rs.4512/- at Shahbad, Tehsil Thanesar, District Kurukshetra a conveyance deed was executed. The apprehension as such of the peititoners is only with the account of the fact that notification dated 02.12.1982 had been issued under Section 4 of the Land Acquisition Act, 1894 for acquisition of land measuring 327.52 acres in village Patti Jhambra, Shahbad, Hadbast No.253, for the purpose of residential, commercial, industrial area for urban estate, Shahbad.

A perusal of the award would go on to show that the area

under the acquisition was reduced to 178.62 acres under Section 6 and the award covered only 90.07 acres for which compensation of Rs.80,72,786.29/- was awarded on 16.09.1986 (Annexure P-5). Thus it is clear that the petitioners are continuing in possession on the basis of their conveyance deed and they have not been disturbed since 1986. The apprehension that has been expressed as such seems to unfounded on the face of itself and legal notice dated 21.04.2018 (Annexure P-10) also would go on to show that even mutation dated 02.12.1985 (Annexure P-4) had been sanctioned in favour of the petitioners after Section 4 of the notification on the strength of the conveyance deed and therefore, it further comes to the fact that the revenue authorities have also accepted the petitioners' possession.

In such circumstances, Senior counsel could not point out any cause of action which has arisen for transfer of alternate land of equal area/potentiality and par with the allotted land. Therefore, no case is made out for calling upon the respondents as such nothing has been placed on record to show that any such notice served upon the petitioners that their possession is unauthorized or they have been asked to vacate the premises on account of the acquisition. Needless to say, if any such cause of action arises, it is always open to the petitioners to agitate their cause on the basis of the said action of the State. Resultantly, no case is made out to call upon the respondents for reliefs as prayed for.

The present writ petition is dismissed in limine.

31.08.2018
pvd

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No