

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.9283 of 2018.

Date of Decision: April 19, 2018

Kahan Dass and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Vivek Gupta, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

Mandir/Thakurdwara is a legal entity who is recorded as the owner of land, temple and other properties in the area of Sunam Udham Singh Wala, Tehsil Sunam, District Sangrur. State of Punjab initially proposed to acquire land measuring 1200 square yard of the Dera for construction of drainage for rainy water. The drainage system was to be developed by Sewerage Board at the cost of Municipal Council, Sunam. Instead of acquiring the land in accordance with law, it appears that the State Government took a unilateral decision to take such land on "lease-hold basis" for which the Government decided to pay licence fee of Rs.100/- per annum to be deposited in the account of the Dera, by Municipal Council, Sunam.

The petitioners claim themselves to be Mohatmim of the Dera and are statedly looking after its day-to-day affairs. They simultaneously also claim themselves to be 'owners' of the land sought to be utilized.

We have heard learned counsel for the petitioners at a considerable length and gone through the record.

As per jamabandi for the year 2009-10 (P-9), “Mandir/Thakurdwara Maroof Charandasiya” is recorded as owner in physical cultivating possession of the land in question. There is no conclusive proof on record that the petitioners are true owners of the land sought to be utilized. Be that as it may, the issue raised by the petitioners that the subject land is sought to be utilized for a public purpose without its acquisition or without entering into any bilateral agreement, requires immediate attention of the State Government and other authorities. The writ petition is thus disposed of with a direction to the Additional Chief Secretary, Local Government Department, Punjab to consider the aforementioned issue which is raised by way of a legal notice dated 24.07.2017 (P-8) also and decide the same by way of a reasoned order within a period of three months from the date of receiving a certified copy of this order. The utilization of the land of Dera for the afore-stated public purpose shall be without prejudice to the rights of its true owners to claim compensation in accordance with law.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

April 19, 2018
mohinder

[SHEKHER DHAWAN]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No