

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.9611 of 2018.

Date of Decision: April 20, 2018

Baljit Singh and another

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Amarjit Markan, Advocate, for the petitioners.

Mr.Rajesh Bhardwaj, Senior Deputy AG, Punjab.

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Surya Kant, J. (Oral)

Notice of motion to respondent Nos.1 to 3 only at this stage.

On our asking, Mr.Rajesh Bhardwaj, learned Senior Deputy Advocate General, Punjab, accepts notice on their behalf.

Let three copies of the writ petition be handed-over to him during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from respondent Nos.1 to 3 or to serve respondent No.4 at this stage as no order prejudicial to their interest is being passed on merits.

The petitioners are residents of village Chandu Majra, Tehsil Rajpura, District Patiala. Their land fully described in para No.2 of the writ petition has been acquired for the public purpose of construction of railway line reaching Nabha Power Limited Thermal Plant at Rajpura. In the

9//11/3 and 15, total measuring 3 bigha 12 biswa has not been acquired. The petitioners represented that since the above-stated left out land cannot be utilized for agricultural purposes, let the said land too be acquired. Their application-cum-representation was turned down by the Sub-Divisional Magistrate-cum-Land Acquisition Collector, Rajpura vide reply dated 29.08.2016 on the plea that Managing Director of Nabha Power Limited Thermal Plant, Rajpura informed that there was some litigation pending in this Court and “as a result of which they are not in a position to take any further action on the said issue”.

The petitioners have verified that no litigation pertaining to their claim for acquisition of the left out land is pending in this Court.

There appears to be some merit in the petitioners' contention. Assuming that some other litigation is pending regarding acquisition of the land but it does not cause any impediment against taking a conscious decision for acquisition of the left out land of petitioners, for which they themselves have volunteered. The petitioners rely upon a decision taken by the Collector, Patiala in the meeting held on 11.07.2011 in which it was resolved that if a farmer has been left-out with upto 2 bigha land after acquisition, his remaining land be also acquired. Applying that principle in the case of the petitioners who both are co-owners, their share in the unacquired land comes to less than 2 bigha. It thus appears that the request made by the petitioners for acquisition of their left-out land requires reconsideration on merits. It may be mentioned that the petitioners have already raised this claim by way of representation dated 23.09.2016 followed by a legal notice dated 18.01.2018 (P-10).

The writ petition is thus disposed of with a direction to respondent Nos.2 & 3 to take a fresh decision in the matter in consultation with the Managing Director of respondent No.4 and pass a reasoned order keeping in view the above-mentioned policy decision, within a period of four months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

April 20, 2018
mohinder

[SHEKHER DHAWAN]
JUDGE

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