

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

110

CWP-2970-2019

Date of decision: 13.05.2019

Jeet Kaur & another

....Petitioners

Versus

Union of India & others

...Respondents

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

Present: Mr.S.S.Gill, Advocate, for the petitioners.

G.S. SANDHAWALIA, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for direction to the respondents to pay the compensation along with interest to the petitioners for use of the land by the respondents, in view of the judgment and decree dated 11.02.2013 (Annexure P-2) and the registered sale deed dated 09.07.2018 (Annexure P-3).

A perusal of the paperbook would go on to show that award No.3 of 2011 was passed on 04.01.2011 (Annexure P-8), in pursuance of the Section 4 notification issued on 13.07.2010 under the Land Acquisition Act, 1894, which had been followed by Section 6 notification dated 11.10.2010, for acquisition of 6.34 acres of land falling in various villages, for the public purpose, namely, for GAIL (India) Ltd.

Petitioners' legal notice dated 03/23.12.2018 (Annexure P-4) had been replied on 08.03.2019 (Annexure P-7) by taking the stand that compensation has already been paid to various persons, as per the revenue record of the year 2012.

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Counsel for the petitioners has vehemently submitted that suit for specific performance had been filed regarding 27 kanals 13 marlas of land in which there was stay operating on 16.11.2006 (Annexure P-1) regarding status quo qua alienation/possession. The said suit was eventually decreed in favour of the petitioners on 11.02.2013 (Annexure P-2) which led to the sale deed being executed through Court on 09.07.2018 in favour of the petitioners and it is on this basis, compensation has been sought.

Apparently, compensation has already been disbursed to the landowners as per the revenue record for the year 2012. If that is so, no further direction is liable to be issued for payment of compensation as it is always open to the petitioners to file appropriate application before the Competent Forum for payment of compensation or file a suit for recovery of compensation which has been disbursed to the persons interested. It is also pertinent to notice that no private respondents have been arrayed in the present writ petition who have received the compensation.

Faced with this situation, counsel does not press the present writ petition and prays for liberty to approach the Competent Forum for redressal of the grievance of the petitioners.

Ordered accordingly.

13.05.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*