

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

CWP-25589-2016 (O&M)
Date of decision:- 21.02.2019

Chandra Devi and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Ranjit Saini, Advocate,
for the petitioners.

Mr. Shreesh Gupta, Senior Deputy Advocate General, Punjab,
for respondents No. 1, 2, 3 and 5.

Mr. Sandeep Khunger, Advocate,
for respondent No. 4.

Mr. G.S. Bal, Senior Advocate,
with Ms. Gursimran Kaur, Advocate,
for the applicants in CMs-9002 & 9003-2018.

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KRISHNA MURARI, C.J. (ORAL)

Petitioners in this petition have approached this Court challenging the notification issued under Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 for acquiring the land for setting up Sewerage Treatment Plant.

2. Admittedly, the dispute is in respect of land bearing Khasra No. 129/1 which according to the respondents is shamlat deh and the petitioners cannot acquire any title over the same. Specific allegations in this regard have been made in paragraph 6 of the reply by way of affidavit dated 08.09.2017 filed by respondent No. 4 - Chetan Sharma,

Executive Officer, Municipal Council, Nayagaon, District SAS Nagar, Mohali. It may be relevant to extract paragraph 6 thereof which reads as under:-

"In this regard it is submitted that the illegal construction raised by the petitioners falls in Khasra No. 129/1 and the said khasra is consisting of 1009 kanal 13 marlas which was shamlat land and the petitioners are not the owners of the said land."

3. The affidavit is un-rebutted as no reply to the same has been filed by the petitioners. When we confronted learned counsel for the petitioners to demonstrate before us any document which may be on record to establish the title of the petitioners over the land, he has miserably failed. After having gone through the entire pleadings, we do not find any such document in existence on the record of the case to even remotely suggest the ownership and title of the petitioners over the land in question. Obviously, under law the land being recorded as shamlat deh, the petitioners cannot have any title or ownership rights over the same. In the absence of any right or title over the land, which is sought to be acquired by the State Government, the challenge to the acquisition notification at the behest of the petitioners, in our considered opinion, is not maintainable.

4. Faced with such a situation, learned counsel for the petitioners made a request to permit withdrawal of the writ petition, at this stage, with liberty to agitate for their rights, if at all they have any requisite document(s) to establish the ownership and title over the land in question.

5. The petition accordingly stands dismissed as withdrawn with the liberty prayed for.

6.

In view of the writ petition having been dismissed as withdrawn, the impleadment application being CM-9002-2018 is rendered infructuous. Hence, the same is dismissed as such.
7.

All interim orders passed during the pendency of the writ petition stand discharged.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

21.02.2019
Anodh

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