

CWP no. 5127 of 2017 (O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no. 5127 of 2017 (O&M)

Date of Decision : 21.02.2019

Kulwant Kaur and another

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE LALIT BATRA

Present : Mr. Jagnahar Singh, Advocate for the petitioner(s)

Mr. Ayush Sarna, AAG, Punjab

MAHESH GROVER, J.(ORAL)

The petitioners have approached this Court with a grievance that notification dated 20.12.2016 under Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act (hereinafter referred to as the 'Act') be quashed as they were having residential houses thereon.

Petitioners claimed themselves to be in possession of 12 marlas of land and in notification (Annexure P-13) this land is not included which would divest the State of any authority to interfere in their possession.

In the reply filed by the respondents the fact of the land not being included in notification is conceded and it is also stated that the petitioners continue to be in possession of the area which they claim to be their own and the notification qua their possession has lapsed. A specific

assertion has been made in para 8 of the reply “that the land in question was not included in notification bearing no.6/5/2016-6HGI/895135/1 dated 20.12.2016”. This is precisely the notification in question. It is further stated that vide award no. 480 dated 7.5.2001 this land already stood acquired but since the possession of the petitioners continued acquisition of land falling in khasra no.20//14/5 of village Mauli Badiwan has lapsed in view of the provisions of Section 24 (2) of the Act. However, it has been stated that directions are being issued to the Collector, SAS Nagar to issue process for acquisition of this land in case the same is required for completion of the residential project.

In view of the reply, in particular, para 7 and 8 thereof, we are of the opinion that for the present land of the petitioners is completely liberated of any acquisition process with the earlier one having lapsed.

Consequently, no further orders are required to be passed in the present writ petition. In case the respondents initiate a fresh process to acquire the land that has been stated by them in para 8 and if such a necessity arises, the petitioners evidently would be at liberty to take recourse to their remedies in law as offered by the statute.

Disposed of.

(Mahesh Grover)
Judge

21.02.2019
rekha

(Lalit Batra)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No