

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

CWP No. 26932 of 2019

Date of decision : 23.09.2019

Bachittar Singh

.... PETITIONER

Versus

Union of India and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE RAJIV SHARMA
ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Sartej Singh Narula, Advocate,
for the petitioner.

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RAJIV SHARMA, ACTING CHIEF JUSTICE

The case of the petitioner precisely is that he is owner of land measuring 19 kanals 5 marlas situated in village Ferozpur Bangar, Tehsil Kharar, District Mohali (Punjab). The Air Force Station, Mullanpur, abuts the land. The petitioner has placed on record Aks Shajra. The Central Government issued notification dated 14.02.2007 declaring that all lands situated within the limits of 100 meters from the crest of parapet of the Air Force Station including Air Force Station, Mullanpur, would be kept free from any kind of construction, erection. The Government of Punjab issued notification dated 06.04.2011 under Section 4 of the Land Acquisition Act,

1884. The land of the petitioner was also acquired.

The case of the petitioner is that the remaining un-acquired land was rendered uncultivable. The petitioner and others made a representation to various authorities, including GMADA (respondent No.5) either to acquire the remaining left out land or to leave the notified area from acquisition. The petitioner approached this Court by way of CWP No. 16390 of 2013. The writ petition was disposed of by this Court on 01.07.2015. According to the operative portion of the order dated 01.07.2015, the petitioner was permitted to approach the Collector for appropriate compensation in accordance with the relevant provisions of the Works of Defence Act, 1903. The petitioner made a representation to the Land Acquisition Collector, GMADA and to the Deputy Commissioner, SAS Nagar, Mohali, seeking compensation for the damages/loss sustained on account of partial acquisition of his land. The representation was not decided. The petitioner again approached this Court by way of CWP No. 27220 of 2016 seeking issuance of directions to decide his representation. The petition was disposed of vide order dated 23.12.2016 with a direction to the Deputy Commissioner (exercising the powers of Collector under the Works of Defence Act, 1903) to dispose of the representation. The representation was still not decided. The petitioner filed contempt petition bearing COCP No. 2284 of 2017. Short reply was filed by the Deputy Commissioner, Mohali. It was informed that decision on the representation had been taken by the Deputy Commissioner, Mohali, on 18.09.2017.

The grouse of the petitioner is that the Deputy Commissioner, Mohali, has not passed a reasoned and speaking order. He had not visited

the spot. According to the learned counsel for the petitioner, since the petitioner cannot construct a tubewell, the land has rendered uncultivable. The fact of the matter is that the Deputy Commissioner, Mohali, while declining to grant compensation to the petitioner, sought a report from the revenue officials. According to the report, the land was under cultivation. What has been restricted is the construction activity in the Air Force zone. The petitioner is cultivating his land. Thus, he is not entitled to any compensation. There is no illegality or perversity in the order dated 18.09.2017 passed by the Deputy Commissioner, Mohali. The order passed by the Deputy Commissioner is reasoned and speaking.

Accordingly, there is no merit in this petition. Same is dismissed.

(RAJIV SHARMA)
ACTING CHIEF JUSTICE

September 23, 2019
ndj

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No