

CWP-3354-2020

Decided on : 07.02.2020

Bhagwant Kaur and another**... Petitioners****Versus****The State of Punjab and others****... Respondents****CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA**

Present: Mr.Kashish Garg, Advocate, for the petitioners.

G.S. Sandhawalia , J. (Oral)

The prayer made in this petition filed under Articles 226/227 of the Constitution of India is for issuance of a direction to the respondents to decide the petition under Section 28-A of the Land Acquisition Act, 1894. The same was filed way back on 05.02.2015 and reminders have been issued in form of legal notice dated 18.10.2019. It is not disputed that the matters have been decided by this court in **RFA No. 3374 of 2015 Balbir Singh and others vs. State of Punjab and another** decided on 22.01.2018 wherein the market value of the land which was acquired vide notification under Section 4 of the Act on 06.10.2004 has been fixed at Rs. 1150/- per square yard. The Acquiring Authority namely PUDA has filed Special Leave Petitions against the said judgment in which notice has been issued by the Apex Court on 18.05.2018(Annexure P-5) and interim orders have been passed whereby the landowners have been held entitled to withdraw 50% of the enhanced compensation.

Admittedly the matters are thus pending before the Apex Court. The Apex Court has held that application under Section 28-A of the Act is not to be decided till the pendency of the matter before the superior Courts and also that a second application is not maintainable. Reference can be made to the judgments of the Apex Court in **Bharatsingh v. The State of Maharashtra** 2017 AIR(SC) 5741, **UOI vs. Hansoli Devi** 2002(7) SCC 273 and **UOI vs. Pardeep Kumari** 1995(2) SCC 736. In such circumstances no directions are liable to be issued at this stage for decision of application under Section 28-A before the final decision by the Apex Court.

Resultantly there is no merit in the present petition and the same is dismissed at this stage, in limine. It is, however, made clear that on the decision of the said SLPs the petitioners would be at liberty to revive their request.

(G.S.Sandhawalia)
Judge

07.02.2020
sunita

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No