

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

CWP No. 523 of 2021

Date of decision : 11.1.2021

Rachhpal Singh and others Petitioners
versus
State of Punjab and others ... Respondents

**Coram: Hon'ble Mr. Justice Jaswant Singh
Hon'ble Mr. Justice Sant Parkash**

Present Mr. S. S. Rathore, Advocate, for the petitioners.

[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court.]

Jaswant Singh, J. (Oral)

Petitioners, 23 in number, being *khewatdars* of village Bakarpur, Tehsil and District S. A. S. Nagar (Mohali), have filed the present petition *inter-alia* to direct the authorities concerned to acquire the land comprised in khasra no. 28//6 (1-7), 28//7 (3-18), 28//8 (4-16), 28//9 (5-14), 28//10 (2-7), 28//10/2 (3-09) situated in the aforesaid village after issuing corrigendum to the notification dated 28.8.2020 under Section 19 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the 2013 Act'). Further prayer is to direct the authorities concerned to restrain the Gram Panchayat from making unauthorised construction on the land in question.

It is averred that the land in question is described in the records of rights to be *mustarka malkan wa deegar haqdarana hasab rasad rakba khewat* in the column of ownership and *makbuza malkan* in the column of cultivation belonging to the proprietary body and *khewatdar* of the village.

Earlier a part of land measuring 19 kanals 4 marlas was acquired by the Government vide award dated 16.4.2010 for setting up of Aerocity for which compensation was paid to the *khewatdars* of the village. Thereafter, left out part of the said land belonging to the *khewatdars* was notified under Section 11 of the 2013 Act for setting up Aerotropolis residential project near IT City/ Aerocity Scheme on 6.2.2019. On the request of the Gram Panchayat, despite objection by the petitioners, land as detailed in para 4 of the writ petition was left out from acquisition. On the other hand, the petitioners represented for acquisition of the land and payment of the compensation to them. The Land Acquisition Collector after considering the matter intimated that only constructed portion of land in question was being left out and payment with regard to rest of the land was to be made as per revenue records. It is alleged that since the land in question was vacant, the Sarpanch in violation of Punjab New Capital (Periphery) Control Act, 1952 and the Punjab Regional and Town Planning and Development Act, 1995 started raising construction thereon. Upon this, the Competent Authority-cum-Additional Chief Administrator, GAMADA, initiated proceedings against the aforesaid illegal construction activities. It is further alleged that for the aforesaid illegal construction being raised at the behest of the Sarpanch, no action is being taken by the authorities concerned despite complaints. Hence, the present petition.

Heard learned counsel for the petitioners.

It is conceded that acquisition proceedings have already been initiated and payment of compensation will be made as per records of rights. It is further conceded that decision qua the land to be exempted from acquisition has also been taken. As regards illegal construction being raised

over the land in question, the authorities concerned are already seized of the matter and will take decision in accordance with law.

After arguing for some time and having failed to convince the Court, learned counsel for the petitioners prays for permission to withdraw the writ petition.

Dismissed as withdrawn.

(Jaswant Singh)
Judge

11.1.2021
joshi/vs

(Sant Parkash)
Judge

Whether speaking/ reasoned	Yes/No
Whether Reportable	Yes/No