

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 30901 of 2019 (O&M)

Date of Decision: 20.12.2021

Charan Kaur and Others

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Ms. Monita Mehta, Advocate
for the petitioner(s).

Mr. Nikhil Chopra, Additional Advocate General,
Punjab, for the respondent No.1.

Ms. Kavita Arora, Advocate
for the respondent No.2.

Mr. Kushagra Mahajan, Advocate
for the respondent No.3.

Anil Kshetarpal, J.

1. Undisputedly, the predecessor of the petitioners has lost the litigation with regard to the challenge to the compulsory acquisition. The Special Leave Petition, filed by the predecessor of the petitioners, was dismissed on 29.01.2013 with the following order:-

“Dismissed.

However, we direct the petitioners to quit and hand over vacant possession of the land and building to the respondent-Amritsar Improvement Trust within three months’ time from today. If the petitioners fail to do so, we permit the respondent-Trust to take the assistance of the police authorities in getting

the land and building vacated from the occupation of the petitioners.

We, however, permit the petitioners to make an appropriate application before the competent authority, as provided under the Punjab Town Improvement (Utilization of Land & Allotment of Plots) Rules, 1983 within a month's time from today. If such an application is filed within the time so granted by us, we direct that the competent authority will consider their application in accordance with law without reference to the period of limitation.

We also permit the petitioners to make an appropriate application before the Reference Court within a month's time from today. If such an application is made within the time so granted, the Reference Court is directed to consider the application only on merits without reference to the period of limitation”.

2. The petitioners claim that the acquisition proceedings have lapsed as the respondents have failed to comply with the order passed by the Hon'ble Supreme Court on 29.01.2013. The petitioners also allege that the amount of compensation of compulsory acquisition of the land has not been disbursed to them. Their further grievance is that the matter has not been referred to the Reference Court, although the application was submitted by some of the petitioners, within the time permitted by the Hon'ble Supreme Court.

3. The learned counsel representing the respondents do not dispute

that the amount of compensation is already deposited with the Land Acquisition Collector. They stated that if the petitioners contact the concerned Land Acquisition Collector along with the documents of their title, the amount shall be disbursed to them along with the statutory interest, payable under the Land Acquisition Act, 1894.

4. The learned counsel representing the Land Acquisition Collector has further submitted that although the application for forwarding the matter to the Court has not been referred, however, the same shall be referred to the Court within a period of one week, from today.

5. The learned counsel representing the petitioners has failed to draw the attention of the Court to any provision, which provides for lapsing the acquisition proceedings, merely because the compensation, assessed by the Land Acquisition Collector, has not been paid.

6. Keeping in view the aforesaid facts, the writ petition is disposed of by directing the petitioners to contact the respondent No.3 along with the documents of their title enabling the Land Acquisition Collector to disburse the payment within a period of 30 days from the date the petitioners appear before him. The amount shall be payable along with the statutory interest. The Land Acquisition Collector shall also refer the matter to the court as directed by the Hon'ble Supreme Court.

(Anil Kshetarpal)
Judge

December 20, 2021
"DK"

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