

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

CWP-7027-2017 (O&M)
Date of decision: 25.07.2022

Gurmit Kaur @ Gurmeet Kaur Jarhia

...Petitioner

Vs.

State of Punjab and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: None for the petitioner.

Ms. Anu Pal, DAG, Punjab.

Mr. Rupinder Khosla, Senior Advocate,
with Mr. Sarvesh Malik, Advocate,
for respondent No.3.

Ritu Bahri, J. (Oral)

Petitioner is seeking direction to the respondents to release compensation in the form of land pooling in her favour as well as in favour of respondent No.4, who being owners, have not received the same till date, in respect of their remaining land measuring 5 bighas, which was acquired pursuant to the notifications dated 10.11.2009 and 10.05.2010 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short '1894 Act'). Further prayer has been made for issuance of direction to respondent No.3 to consider proof of ownership submitted by the petitioner vide letter dated 07.12.2016 (Annexure P-6, colly.).

Upon notice, a short reply dated 18.09.2018 has been filed by the Estate Officer, GMADA stating therein that as per the revenue records (LA-7 register) maintained in the office of Land Acquisition Collector, Urban Development, S.A.S. Nagar, 5 Bighas of land falling in Khasra Nos.

263/1 (1-4), 263/2 (2-16) and 264/2 (1-0) of village Devinagar was acquired vide Award No.518 dated 02.08.2011 for setting up of Urban Estate (Eco City, Phase-I) at Mullanpur (now New Chandigarh). At the time of acquisition, M/s Valina Estate Developers Private Limited was the recorded owner of this land. Accordingly, as per the option exercised by the said land owner, land pooling qua their total land measuring 9.1277 acres, including 5 Bighas of land in question, was issued to them vide Letters of Intent of Residential and Commercial Plots/Sites on 22.08.2012, as per their eligibility. Since, Sh. Raghubir Singh son of Jagat Singh was not the owner of this land at the time of declaration under Section 6 of 1894 Act on 10.05.2010 and it was only Valina Estate Developers Private Limited, which recorded as owner of the land as per LA-7 register, the compensation in the form of Land Pooling qua acquired land, was paid to the said recorded owner i.e. Valina Estate Developers Private Limited. Sh. Raghubir Singh son of Jagat Singh, who was husband of the petitioner and father of respondent No.4, was not entitled to the compensation qua 5 Bighas of acquired land. It has been further stated that the petitioner and respondent No.4 are at liberty to claim their compensation from M/s Valina Estate Developer Private Limited, who has already been paid compensation qua the acquired land.

The above reply was filed way back in the year 2018 and no replication has been filed by the petitioner. As per reply filed by the respondents, at the time of publication of notification under Section 6 of 1894 Act, neither the petitioner and respondent No.4 nor Sh. Raghubir Singh were the recorded owners of the acquired land. Rather (as per revenue record), M/s Valina Estate Developers Private Limited was the

recorded owner of the said land. Therefore, the compensation has been rightly paid to the said registered owner i.e. M/s Valina Estate Developers Private Limited.

In view of the said fact, the present petition is dismissed. However, the petitioner is at liberty to pursue her claim against M/s Valina Estate Developers Private Limited, if so advised.

(RITU BAHRI)
JUDGE

(ARCHANA PURI)
JUDGE

25.07.2022
ajp

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