

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.29833 of 2018 (O&M)

Date of decision: 14.09.2022

Jagtar Singh and others

...Petitioners

Vs.

State of Punjab and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: Mr. Ranjan Lakhanpal, Advocate,
for the petitioners.

Ms. Anu Pal, Sr. DAG, Punjab.

Ritu Bahri, J. (oral)

Petitioners are seeking quashing of the notification(s) dated 09.11.2011 and 06.07.2012 (Annexures P-4 and P-5) issued under Section 4 of the Land Acquisition Act, 1894 (for short '1894 Act') along with order dated 23.12.2013 (Annexure P-3) passed by the Sub Divisional Magistrate, Jalandhar-cum-Land Acquisition Collector. A further prayer has been made for directing the respondent-authorities to release the agricultural land of the petitioners from acquisition.

Learned counsel for the petitioners is unable to dispute the fact that earlier, the petitioners had challenged the award dated 23.12.2013 by filing a petition i.e. CWP No.10116 of 2014, titled as **Jagtar Singh and others vs. State of Punjab and others**, on the ground that they were not given opportunity of hearing to support their objections and the land in question was not being used for public purpose. The said petition was

Court by observing that the petitioners had not filed their objections before publication of the notification under Section 6 of 1894 Act. However, still the objections filed by the petitioners were considered by the Land Acquisition Collector vide communication dated 28.01.2014 (Annexure R-3/12 therein). The land was being acquired to de-congest the traffic, which was also necessary for the safety of children and other users of the area. It was a public purpose. The objection of the petitioners that there was no public purpose, was not accepted and the writ petition was dismissed.

Since SLP against the said order was also dismissed, the petitioners, now, cannot claim that no opportunity of hearing was afforded to them and that the land was not used for public purpose. Therefore, no cause of action survives to entertain the present petition.

Hence, keeping in view the decision given in CWP No.10116 of 2014, no ground to entertain the present petition is made out.

Dismissed.

(RITU BAHRI)
JUDGE

(NIDHI GUPTA)
JUDGE

14.09.2022
sd/ajp

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