

In the High Court of Punjab and Haryana, at Chandigarh

1. Civil Writ Petition No. 433 of 2023

Swarn Singh
... Petitioner(s)

Versus

State of Punjab and Others
... Respondent(s)

2. Civil Writ Petition No. 436 of 2023

Mandeep Singh
... Petitioner(s)

Versus

State of Punjab and Others
... Respondent(s)

AND

3. Civil Writ Petition No. 438 of 2023

Harjinder Singh
... Petitioner(s)

Versus

State of Punjab and Others
... Respondent(s)

DATE OF DECISION: 11.01.2023

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Vikas Bali, Advocate
for the petitioner(s).

Mr. Charanpreet Singh, Assistant Advocate General,
Punjab, for the respondents.

Anil Kshetarpal, J.

1. These three identical writ petitions have come up for hearing. The petitioners pray for the issuance of a writ in the nature of mandamus to direct the respondent No.1, 2 and 5 to employ one of their family members.

2. The relevant facts, in brief, are required to be noticed. For the public purpose, namely for the construction of a 400/220 KV Sub Station at Kartarpur, a preliminary notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as “the 1894 Act”) was issued on 04.08.1995. The Land Acquisition Collector, vide award No. 4 dated 26.03.1997, had observed that as per the instructions of the government, the Power Grid Corporation of India should employ one member of the family who is affected by the involuntary acquisition of the land. The petitioners pray for the enforcement of the aforesaid award.

3. Heard the learned counsel representing the parties, at length and with their able assistance, perused the paper-book.

4. The learned counsel representing the petitioners contends that the Power Grid Corporation of India is bound to employ one member of the family in terms of the award which was, though modified by the High Court in the regular first appeal with regard to the assessment of the market value of the acquired land, however, the aforesaid observations with regard to the employment of one family member, were never interfered with by the Court.

5. This Court has considered the submissions and perused the judgment passed in *Kartar singh and Others v. Secretary to Government of Punjab and Others (Regular First appeal No. 1654 of 2004, decided on 02.07.2019)*. While noticing the facts, the Court has observed that the

Collector has noticed that the Punjab Government has desired that the Power Grid Corporation of India shall employ one member from each of the family whose land has been acquired. In the humble opinion of this Bench, the aforesaid observations shall not be considered as a direction to the Power Grid Corporation of India to give employment to one member of each of the family. The learned counsel representing the petitioners has failed to draw the attention of the Court to the relevant provision of the 1894 Act enabling the Land Acquisition Collector to issue such directions. Hence, the aforesaid observations made in the award dated 26.03.1997 is only advisory in nature.

6. Secondly, the land was acquired vide award No.4 dated 26.03.1997. A period of more than 25 years has already elapsed. Hence, at this stage, it would not be appropriate to entertain the writ petitions after an unexplained delay of more than 25 years.

7. Keeping in view the aforesaid facts, no ground is made out to issue a writ. Hence, all the three writ petitions are dismissed.

(Anil Kshetarpal)
Judge

January 11, 2023
“DK”

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