

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

129

LPA-1070-2024 (O&M)
Date of decision: 30.04.2024

LAKHWINDER SINGH

...Appellant

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Shreenath A. Khemka, Advocate
for the appellant.

DEEPAK SIBAL, J.(ORAL)

The present intra-Court appeal is directed against judgment dated 24.04.2024 passed by a learned Single Judge of this Court dismissing the appellant’s writ petition on the ground that the same was premature.

2) Through a writ petition, the appellant, alongwith respondents No.4 to 10, had approached this Court seeking therein quashing of letter dated 05.04.2024 through which the Competent Authority, Land Acquisition-cum-District Revenue Officer, Patiala (for short – CALA) had written to the Tehsildar, Patiala to provide sale deeds executed with regard to agricultural land pertaining to villages where the appellant’s land had been acquired. The said information was sought to assist CALA in the determination of the compensation to be paid to the land-owners whose land had been acquired.

3) The appellant had challenged CALA's letter dated 05.04.2024 on the ground that through such letter CALA had asked the Tehsildar to provide to him only sale deeds. According to the appellant, in terms of Section 26 read with its Explanations 1 and 2 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (for short – the 2013 Act) agreements to sell are also required to be considered at the time of determination of the payable compensation. Therefore, through the aforesaid letter, in addition to the sale deeds, CALA should have also asked for agreements to sell pertaining to the acquired land.

4) The learned Single Judge was of the view that CALA was yet to pass its award and therefore, dismissed the appellant's writ petition as premature. However, after passing of the final award by CALA, if the appellant was aggrieved by it, he was granted liberty to challenge it, in accordance with law and in such challenge was also granted liberty to raise the issues taken up in his writ petition.

5) We have heard learned counsel for the appellant and with his able assistance have also perused the material available on the record.

6) The primary grievance of the appellant is that through letter dated 05.04.2024 CALA has sought from the Tehsildar only sale deeds pertaining to the acquired land to determine the compensation payable to the land-owners in lieu of their acquired land which was in violation of Section 26(1) read with its Explanations 1 and 2 of the 2013 Act which provides that agreements to sell pertaining to the acquired land should also be considered while determining the payable compensation.

7) A perusal of the letter dated 05.04.2024 reveals that the same is an internal communication between CALA and the Tehsildar, Patiala

requiring the Tehsildar to provide sale deeds executed qua agricultural land pertaining to the villages from where land had been acquired. Only after the passing of the final award by CALA would it be revealed as to what material was actually considered by CALA before determining the payable compensation to the land-owners in lieu of their acquired land. Thus, we find that the learned Single Judge committed no error, in fact or in law, by dismissing the appellant’s writ petition by holding it to be premature especially when through the impugned judgment, the learned Single Judge has also granted liberty to the appellant to raise all the issues available to him, in law in his challenge, if any, to the final Award to be passed by CALA.

- 8)Dismissed.
- 9)All pending miscellaneous application(s), if any, also stand disposed of.

(DEEPAK SIBAL)

JUDGE

(DEEPAK MANCHANDA)

JUDGE

30.04.2024

Sapna

Whether reasoned/speaking?Yes/No

Whether reportable?Yes/No