



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

CWP No.19089 of 2016 (O&M)

Date of Decision: 02.09.2024

Labh Kaur and others

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

**CORAM: *HON'BLE MR. JUSTICE G.S. SANDHAWALIA*
*HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA***

Present:- Mr. Rajesh Garg, Senior Advocate with
 Ms. Neha Matharoo, Advocate for the petitioners.

Ms. Arundhati Kulshreshtha, AAG, Punjab.

G.S. SANDHAWALIA, J.(Oral)

CM No.4079-CWP of 2024

This is an application filed on behalf of the applicants-petitioners for placing on record the re-joinder (sic. replication) to the written statement filed on behalf of the respondents.

The application is allowed and the re-joinder (sic. replication) is taken on record.

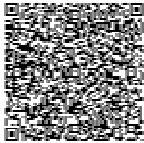
CWP No.19089 of 2016

The challenge in the present writ petition filed under Article 226/227 of the Constitution of India is made to the notification dated 21.02.2000 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act of 1894') and the subsequent notification



dated 02.02.2001 (Annexure P-2) issued under Section 6 of the Act of 1894, as well as the resultant Award No.480 dated 07.05.2001 (Annexure P-3). The land is measuring 45 Kanals 16 Marlas, as detailed and described in para No.2 of the instant writ petition and situated at Village Mauli Baidwan, Tehsil Mohali, District Ropar (now Sahibzada Ajit Singh Nagar) (for short 'the land in dispute'). The afore-said proceedings are challenged on account of the fact that the same were deemed to have lapsed in view of the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act of 2013').

2. The petitioners claim that their predecessor-in-interest namely Daya Singh was owner in possession of the land in dispute and they have raised certain claims in their pleadings as well as by filing the re-joinder (sic. replication) to the written statement filed on behalf of the respondents. Perusal of document Annexure P-17 shows that letters of intent were issued by the authorities in favour of the land-owners on the basis of special package scheme. In such circumstances, we are of the considered opinion that if the petitioners want to seek the benefit of special package scheme, it is open for them to avail the appropriate remedy by filing a separate writ petition as admittedly, in the present amended writ petition, their claim is only based on account of the lapsing of the proceedings under Section 24(2) of the Act of 2013, which issue, now, no longer survives in view of the law laid down by the Constitutional Bench of Hon'ble Supreme Court in *Indore Development Authority Vs. Manoharlal & others, (2020) 8 SCC 129*.



3. Resultantly, without commenting upon the merits we dispose of the present writ petition as being covered by the law laid down by the Apex Court in *Indore Development Authority (supra)*. However, the right of the petitioners to claim their benefit under the afore-said scheme is kept open by filing a fresh writ petition within 04 weeks if they so desire.

4. Needless to say that we have not observed anything on the rights as such of the petitioners regarding their claim for which they can press by filing the fresh writ petition within the afore-mentioned stipulated period.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

September 02, 2024
Yag Dutt

Whether speaking/reasoned: Yes
Whether Reportable: No