

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

2024:PHHC:126918-DB



CWP-24310-2014

Date of Decision: 24.09.2024

Satinder Kaur & others

--Petitioners

Versus

State of Punjab & others

--Respondents

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

Present:- Mr. Mohit Jaggi, Advocate for the petitioner.

Ms. Arundhati Kulshrestha, AAG Punjab.

Mr. Shekhar Verma, Advocate for
respondent no.3-GMADA.

G.S. SANDHAWALIA.J (Oral)

1. Prayer in the present petition is for quashing the notification dated 21.02.2000 issued under Section 4 of the Land Acquisition Act, 1894 as also the consequent notification under Section 6 of the Act in view of provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short the 2013 Act).

2. Short reply on behalf of respondent no.3-GMADA has been filed today in Court. Same is taken on record. Copy furnished to counsel opposite.

3. The case of the petitioners is that they are owners of the land measuring 4 marlas i.e. 4/61th share of land measuring 3 kanals 1 marla falling in Khasra No.89//4/1 (0-5), 4/2 (0-14), 8/1 (2-2) at village Sohana, Tehsil & District S.A.S Nagar, Mohali, on which shop has been constructed.

The shop is stated to have been originally purchased by Manjit Singh, husband of petitioner no.1 and father of petitioners no.2 and 3, on 20.11.1997. Challenge, as noticed, is only on account of the lapsing proceedings in the year 2014 and the stand taken by the petitioners is that they are continuing with the possession of the shop in question. It is also admitted that the payment of compensation has been announced for the award in question.

4. The stand taken by the State is that the acquisition was for “setting up of development of Residential Urban Estate at S.A.S Nagar” and the possession was taken vide Rapat No.478 dated 17.05.2001 i.e. the date when the award was passed. It is submitted that the amount of compensation stands deposited by the Land Acquisition Collector, GMADA, S.A.S Nagar and therefore the possession has been taken vide Rapat Roznamcha.

5. Once the twin conditions are not violated, the symbolic possession has been taken by the State and in view of the above, we are of the considered opinion that the matter stands covered against the petitioners in view of law laid down by the Hon'ble Constitution Bench in case of **Indore Development Authority Vs. Manoharlal and others, AIR 2020 SC 1496.**

6. In view of the above, the present writ petition is, accordingly, dismissed with liberty to the petitioner to withdraw the compensation deposited before the authorities concerned.

(G.S. SANDHAWALIA)
JUDGE

19.09.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No