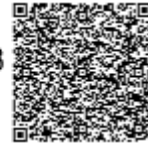


**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

2024:PHHC:126790-DB



CWP-7253-2014

Date of Decision: 24.09.2024

Vijay Kumar Tulli & another

--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 petitioners.

Mr. Shekhar Verma, Addl. A.G., Punjab.

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). Further challenge is to the notices (Annexures P-19 and P-20), whereby the petitioners have been asked to vacate their sites or otherwise to deposit Rs.9,65,763/- as funds of PUDA Bhawan (GMADA) as outstanding against them since the owner(s) of the land had taken money in lieu of acquisition. Further a sum of Rs.10,05,763/- was liable to be paid on account of demolition charges.

2. Apparently, the land in question has been acquired as the notification issued under Section 4 dated 21.02.2000 and subsequent notification under Section 6 of the Act dated 02.02.2001 are also subject matter of challenge in the present writ petition and the award has also been passed for the land in question.

3. It is pleaded case of the petitioners that they were earning their livelihood from the shop in question. Petitioner no.2 is son of petitioner no.1. The land belonged to one Surmukh Singh and the tenancy is stated to be of the year 1997. In such circumstances, there is no right to challenge the acquisition proceedings and if there was any right, the maximum could have been a right under Section 30 of the 1894 Act for apportionment being in possession. However, the notices which have been issued are bereft of any legal provision and the details under which section of the Act they have been issued for the demand raised.

4. Learned State counsel submits that he has instructions to the effect that no action to the extent of recovery of the amount in question will be taken on the basis of the said notices.

5. Resultantly, we dispose of the writ petition in view of the undertaking given by learned State counsel and give liberty to the respondents to recover the possession of the land. Since the petitioners have been tenants in the premises, we give, thus, three months time to vacate the premises in question. The written undertaking be given in the affidavit in the office of Land Acquisition Collector concerned, within a period of four weeks from today. In case the undertaking is not given, the

protection granted of three months shall stand vacated automatically.

6. Petition is disposed of in the above terms.

(G.S. SANDHAWALIA)
JUDGE

19.09.2024
lucky

(MEENAKSHI I. MEHTA)
JUDGE

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