

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

CWP No.4685 of 2017 (O&M)

Date of Decision: 31.08.2024

Gurtej Singh 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. H.K. Brinda, Advocate for
 Mr. J.S. Brar, Advocate for the petitioners.

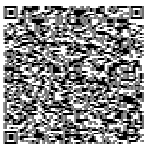
 Ms. Arundhati Kulshreshtha, AAG, Punjab
 for respondents No.1 and 3 to 5.

 Mr. Balwinder Singh, Advocate
 for respondent No.2.

G.S. SANDHAWALIA, J.(Oral)

Vide order dated 26.11.2019 passed by the Co-ordinate Bench, the present writ petition was adjourned *sine-die* and was ordered to be listed as and when the Special Leave Petition is decided on an application moved by either of the parties. Today, the petition has been listed for hearing on account of the judgment passed by Hon'ble Supreme Court in *Indore Development Authority Vs. Manoharlal & others, (2020) 8 SCC 129*.

2. Perusal of the paper book shows that the instant writ petition has been filed under Article 226/227 of the Constitution of India for



issuance of a writ in the nature of certiorari for quashing the notification dated 12.12.1974 (Annexure P-4) under Section 4 of the Land Acquisition Act, 1894 (for short ‘the Act of 1894’) and the notification dated 22.01.1978 (Annexure P-5) under Section 6 of the Act of 1894 as also the Award dated 22.03.1978 (Annexure P-6). The writ petition was filed in the year 2017 on the strength of the Right to Fair Compensation And Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 coming into force and the contention of learned counsel for the petitioners was noted on 07.03.2017, while issuing the notice of motion was that neither the compensation of the land has been paid nor the possession thereof has been taken.

3. In the written-statement filed by respondent No.2-Bathinda Development Authority, Bathinda, it has been averred that the Award No.379 dated 22.03.1978 had been passed and the possession had been taken vide Rapat No.651 dated 07.06.1977 and mutation was sanctioned in favour of respondent No.2 with respect to the land measuring 40 Bighas 18 Biswas vide mutation No.44241 and with respect to the land measuring 8 Bighas 7 Biswas vide mutation No.12162. It has also been averred in the written statement that respondent No.2 is the owner in possession of the land measuring 49 Bighas 05 Biswas till date. The details of the amount of compensation paid to the land owners have been mentioned in para No.4 of the written statement in a tabular form, which reads as under:

Sr. No. in LA-9	Name	Father’s Name	Cheque No. & Date	Amount in Rs.
178	Gurtej Singh	Sher Singh	695111 dt. 20.06.1978	5501.43

179	Rajinder Singh	Sher Singh	695112 dt. 20.06.1978	5501.43
180	Kehar Singh	Bella Singh	694894 dt. 20.06.1978	5501.43
181	Mehar Singh	Bella Singh	694895 dt. 20.06.1978	5501.43

4. In the above-said written statement, the revenue record has also been referred to the effect that the ownership of respondent No.2 is being reflected in the Jamabandi for the year 2002-03 to 2007-08 and after the year 2007-08, no fresh Jamabandi had been prepared till date. The reference has also been made to an earlier litigation bearing **CWP No.2239 of 1984** which was allowed by this Court on 29.05.1984.

5. No replication to the afore-mentioned written statement has been filed by the petitioners. In such circumstances, it is apparent that the possession of the land had been taken and the compensation had duly been paid to the land-owners way back in the year 1978. Thus, we do not find any merit in the present writ petition and the same is, accordingly, dismissed, in view of the law laid down in *Indore Development Authority (supra)*.

(G.S. SANDHAWALIA)
JUDGE

August 31, 2024
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No