
(1997) 12 P&H CK 0033
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 790 of 1997

Ashwani Kumar and Others	Vs	APPELLANT
The State of Punjab and Another		RESPONDENT

Date of Decision : 01-12-1997

Acts Referred:

Land Acquisition Act, 1894 — Section 16

Citation : (1998) 118 PLR 754 : (1998) 2 RCR(Civil) 227

Hon'ble Judges : N.K. Agrawal, J;G.C. Garg, J

Bench : Division Bench

Advocate : R.L. Sharma, for the Appellant; G.S. Grewal, A.G., N.D.S. Mann, D.A.G. for Respondent No. 1 and N.S. Bawa, for the Respondent

Judgement

G.C. Garg, J.—Petitioners are the heirs of Bhagat Ram. Some land owned by Bhagat Ram was notified for acquisition in the year 1951 for Nangal Hydrel Channel. This declaration was followed by notification u/s 6 of the Land Acquisition Act. Compensation therefore was assessed by the Collector and distributed to the owners.

2. From the correspondence placed on record it seems that some land owned by the predecessors of the petitioners and others remained unutilised after carrying out the Project for which it was acquired. The Executive Engineer Nangal Dam Division, Nangal Township by his letter dated 7.3.1995, Annexure P-4 addressed to the Sub Divisional Magistrate, Anand Sahib informed that 86.31 acres of land in village Donala was acquired. Similarly, another land measuring 92-68 acres of village Naagli was also acquired and that at present this land is no longer required by the Bhakra Beas Management Board and the same has already been proposed for being declared surplus and it is to be surrendered to the Collector District Ropar on book value for its transfer to the original owners, it being no longer required. It is in this backdrop the petitioners started claiming de-notification of this land on payment of compensation received by them under acquisition proceedings.

3. In response to notice of motion, respondent No. 2 filed reply. The stand taken by the Board is that the land having been acquired and compensation paid therefore, it has become the absolute property of the authority acquiring the land and there is no question of its de-notification and the petitioners are not legally entitled to the transfer of the acquired land in their favour under any provisions of the Land Acquisition Act.

4. During the course of hearing, learned counsel for the petitioners submitted that once the land which was acquired by the State Government for a particular Project is not needed by it and has been rendered surplus, a direction in the nature of mandamus deserves to be issued to the respondent-State to de-notify the land and surrender it to the original owners on re-deposit of the amount of compensation received by them.

5. On a consideration of the matter and having regard to the facts and circumstances of this case, we are of the opinion that the contention has no merit. The apex Court in *State of Kerala and others Vs. M. Bhaskaran Pillai and another*, came to consider this aspect of the matter and observed thus:

"It is settled law that if the land is acquired for a public purpose, after the public purpose was achieved, the rest of the land could be used for any other public purpose. In case there is no other public purpose for which the land is needed, then instead of disposal by way of sale to the erstwhile owner, the land should be put to public auction and the amount fetched in the public auction can be better utilised for the public purpose envisaged in the Directive Principles of the Constitution."

In view of the above, the relief claimed by the petitioners cannot be granted and instead this writ petition is disposed of with direction to the respondents to utilise the land for any other Project and if it is not required at all for any other purpose, to put the same to open public auction at the earliest possible opportunity after giving due publicity as per rules and utilise the amount so fetched in public auction for the welfare of the State.