

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

CWP No. 9895 of 2014

DATE OF DECISION : 30.07.2015

Ram Karan Aggarwal

.... PETITIONER

Versus

Union Territory, Chandigarh and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Rajeev Anand, Advocate,
for the petitioner.

Mr. Sanjeev Sharma, Senior Advocate, with
Mr. Shekhar Verma, Advocate,
for the respondents.

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SATISH KUMAR MITTAL, J. (Oral)

In the instant petition, the petitioner is seeking appropriate direction that acquisition of his land vide Notifications dated 04.05.2000 (Annexure P-2) and 03.05.2001 (Annexure P-3) issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the L.A. Act') has lapsed, in view of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the RFCT Act'), on the ground that neither the petitioner has been paid compensation nor possession of his acquired land has been taken.

In the written statement filed on behalf of the respondents, both the aforesaid facts have been disputed and it has been stated that the matter has been referred to a High Power Committee constituted by the Chandigarh Administration. Learned counsel for the respondents states that the prayer made by the petitioner to declare the acquisition of his land to have lapsed under Section 24 (2) of the RFCT Act on the basis of the aforesaid two factual aspects will also be considered by the said Committee, by providing an opportunity to the petitioner to lead documentary evidence as well as opportunity of hearing to him. Learned counsel for the respondents further states that claim of the petitioner with regard to declaring of acquisition of his land to have lapsed will be considered in the light of a Division Bench judgment of this Court in *Sunita Sahrawat and others versus State of Haryana and others (CWP No.6652 of 2014, decided on 29.05.2015)*.

Learned counsel for the petitioner states that in view of the aforesaid stand taken by the respondents, let this petition be disposed of with a direction that claim of the petitioner with regard to declaring the acquisition of his land vide the impugned notifications to have lapsed be considered by the High Power Committee constituted by the Chandigarh Administration, after providing him opportunity to lead documentary evidence and opportunity of hearing.

Accordingly, this petition is disposed of with a direction that the High Power Committee constituted by the Chandigarh Administration

shall consider and decide the claim of the petitioner in view of Section 24 (2) of the RFCT Act, after providing him opportunity to lead documentary evidence and opportunity of hearing, within a period of six months by passing a speaking order. If the petitioner is not satisfied with the decision of the aforesaid Committee, it will be open to him to challenge the same in accordance with law.

**(SATISH KUMAR MITTAL)
JUDGE**

July 30, 2015
ndj

**(HARINDER SINGH SIDHU)
JUDGE**