

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.12365 of 1993.

Date of Decision: December 08, 2016

Munshi Ram Chhabra (since deceased) through LRs.Petitioner

versus

Union Territory of Chandigarh and anotherRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Alok Kumar Jain, Advocate, for the petitioner.
Mr.Suvir Sehgal, Senior Standing Counsel for UT Admn.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The land of the petitioner situated within the revenue estate of village Mauli Jagran, Union Territory, Chandigarh, was decided to be acquired vide notifications dated 18.11.1992 and 09.03.1993 issued under Section 4 & 6 of the Land Acquisition Act, 1894 (for short 'the 1894 Act'). Thereafter, notice under Section 9 of the 1894 Act was issued on 10/17.09.1993. The petitioner meanwhile filed the instant writ petition on 04.10.1993 in which his dispossession was stayed 11.10.1993. No Award was passed by the Administration within the stipulated period or even thereafter. Meanwhile, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the 2013 Act') has come into force w.e.f. 01.01.2014. Its Section 24(1) reads as follows:-

“...24. Land acquisition process under Act No.1 of 1894 shall be deemed to have lapsed in certain cases,--

(1) Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894, --

- (a) where no award under Section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation shall apply;
- or
- (b) where an award under said Section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed...”

In the light of the above-stated provision, learned counsel for the petitioner rightly contends that the petitioner is entitled to compensation as per the provisions of 2013 Act. This legal position could not be disputed by learned senior standing counsel for U.T. Administration also.

We thus dispose of this writ petition with a direction to the respondents to assess the compensation in accordance with the provisions of the 2013 Act and pass the Award. No sooner the Award is announced, the due amount of compensation shall be released to the petitioner along with interest. However, if no Award is passed by the respondents within one year from today, the impugned acquisition shall be deemed to have been quashed and the acquisition proceedings shall stand lapsed.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

December 08, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

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