

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.13629 of 1995 (O&M)

Date of Decision: 24.10.2016

Bachan Singh

..Petitioners

Vs.

Chandigarh Administration and another

..Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDIP AHLUWALIA**

Present: Mr.P.C.Dhiman, Advocate for the petitioners.

Mr.Suvir Sehgal, Sr.Standing counsel with Mr.Vishal Sodhi,
Advocate for UT Chandigarh.

SURYA KANT, J.

The question that arises for consideration in this case is whether acquisition of the petitioner's land vide notifications dated 8.7.1994 and 9.1.1995 issued under Sections 4 and 6 of the Land Acquisition Act, 1894, followed by Award No.493 dated 14.3.1995 shall be deemed to have elapsed in view of Section 24(2) of “The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation & Resettlement Act 2013?”

Vide the above-stated Acquisition, petitioner's land measuring 19 Biswas situated in village Palsora, UT Chandigarh was acquired.

It is an admitted fact that neither the petitioner received compensation nor it was deposited in the Court of District Judge, Chandigarh where reference under Section 18 of the Old Act could be filed.

Further, the petitioner is in possession of the acquired land as this Court had

stayed his dispossession. The date of the award being 14.3.1995, admittedly the petitioner was neither dispossessed nor compensation paid to him for a period of more than 5 years before the New Act came into force w.e.f. 1.1.2014. The resultant effect would be that the impugned acquisition shall be deemed to have elapsed qua the petitioner's land.

Ordered accordingly.

However, in view of the fact that above-stated provision itself contemplates that the State may re-acquire the property, the petitioner is directed not to create third party rights, keep the land free from all encumbrances and not to change the nature of the land for a period of one year so as to enable the Chandigarh Administration to re-acquire the land, if so needed, for a public purpose.

The writ petition is allowed in above terms.

**(SURYA KANT)
JUDGE**

**(SUDIP AHLUWALIA)
JUDGE**

24.10.2016
Meenu

Whether speaking/reasoned	-	Yes/No
Whether Reportable	-	Yes/No