

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.14546 of 2006 (O&M)

Date of Decision: October 24, 2016

Muni Ram Ashram

.....Petitioner

versus

Union Territory, Chandigarh and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.P.C.Dhiman, Advocate, for the petitioner.
Mr.Suvir Sehgal, Senior Standing Counsel with
Mr.Vishal Sodhi, Advocate, for the respondents.

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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 petitioner has laid challenge to the notifications dated 30.01.2006 and 10.02.2006 (P-4 & P-5, respectively), issued under Section 4 & 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act'), whereby the land situated within the revenue estate of village Dhanas, U.T. Chandigarh was acquired for the public purpose of 'Rehabilitation of Slum Dwellers in village Dhanas, UT, Chandigarh. The total acquired land was 162.5 acres out of which the petitioner's land was measuring 1 kanal 3 marla.

At the time of final hearing, the petitioner has restricted its claim under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,

2013 (in short 'the 2013 Act') and seeks a declaration that the impugned

acquisition shall be deemed to have lapsed.

Learned Senior Standing counsel for the respondents, on the basis of instructions, does not dispute the fact that compensation amount qua the petitioner's land has not been deposited as per Section 31(2) of 1894 Act before the new Act (2013 Act) came into force. The aforesaid provision thus applies with full force in the case in hand. Hence, the impugned acquisition qua the petitioner's land is declared to have lapsed.

The petitioner is however directed to maintain *status-quo* re: creation of third party rights; to keep the land/property free from all types of incumbrances and not to change the nature of land/property for a period of one year so that meanwhile the respondents may, if such property is still needed for a “public purpose”, again acquire the same.

The writ petition stands disposed of accordingly.

[SURYA KANT]
JUDGE

October 24, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

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