

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.10530 of 2015 (O&M)

Date of Decision: 29.11.2016

Shaheed Baba Jiwan Singh Ji (Bhai Jaita Ji)

Educational and Welfare Trust, Chandigarh

... Petitioner

VS.

UT Chandigarh & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

1. *Whether speaking/reasoned?*

Yes

2. *Whether reportable?*

No

3. *Whether Reporters of local papers may be allowed to see the judgment?*

Yes / No

4. *To be referred to the Reporters or not?*

Yes / No

5. *Whether the judgment should be reported in the Digest?*

Yes / No

Present: Mr. Kanwaljit Singh, Senior Advocate with
Mr. Ajaivir Singh, Advocate for the petitioner
Mr. Sanjeev Sharma, Senior Advocate with
Mr. Shekhar Verma, Advocate;
Mr. Vishal Sodhi, Advocate for UT Chandigarh
Ms. Deepali Puri, Advocate for MC Chandigarh

SURYA KANT, J. (Oral)

(1) The petitioner is an Educational and Welfare Trust who seeks a declaration that the acquisition of its land/properties situated within the revenue estate of village Kajheri, UT Chandigarh fully described in para 3 of the writ petition, vide award No.548 dated 14.02.2002 shall be deemed to have lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(2) Though the respondent as per the written statement filed by the Land Acquisition Collector, UT Chandigarh dated 13.01.2016 are said to have taken physical possession of the acquired land on 25.09.2012 but concededly no compensation amount has been paid to the petitioner before 01.01.2014. It is fairly admitted in the 'Tabulated Form' that the compensation amount has been deposited in the Reference Court in accordance with Section 31 of the

inconsequential and for the detailed reasons assigned by this Court vide order dated 27.10.2016 rendered in CWP No.17464 of 2007 titled as Satnam Singh & Anr. vs. State of Haryana & Ors., the instant writ petition is allowed and the impugned acquisition is declared to have lapsed on the ground referred to above.

(3) Having held so, we are further of the view that since Section 24(2) of 2013 Act itself in so many words contemplates the possibility of re-acquisition of the land/property in respect whereof the previous acquisition has lapsed, it is necessary to direct the petitioners to maintain *status quo* re: creation of third party rights; to keep the land/property free from all types of encumbrances and not to change the nature of land/property for a period of one year so that meanwhile the respondent-State may, if such property is needed for a “public purpose”, again acquire it. Such a direction is necessitated also for the reason that in numerous cases State or its agencies have taken possession in part and development works have been executed except over that land/property in litigation. Those development works ought to be completed in public interest and the only consequence of lapsing of previous acquisition, mostly due to fault of the Government Officers/ Officials, would be that the owners of such land/property will be entitled to compensation and other benefits admissible under the 2013 Act.

(4) Ordered accordingly.

(Surya Kant)
Judge

29.11.2016
vishal shonkar

(Sudip Ahluwalia)
Judge