

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.11516 of 2016 (O&M)

Date of Decision: 09.12.2016

Prem Singh ... Petitioner

VS.

Chandigarh Administration & Ors. ... Respondents

CWP No.11534 of 2016 (O&M)

Ram Phal Singh ... Petitioner

VS.

Chandigarh Administration & Ors. ... Respondents

CWP No.11552 of 2016 (O&M)

Pardeep Kumar ... Petitioner

VS.

Chandigarh Administration & Ors. ... Respondents

CWP No.13975 of 2016 (O&M)

Sanjeev Kumar ... Petitioner

VS.

Chandigarh Administration & Ors. ... Respondents

CWP No.14196 of 2016 (O&M)

Ashwani Pathak ... Petitioner

VS.

Chandigarh Administration & Ors. ... Respondents

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

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| 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. Gurpreet Singh, Advocate;
Mr. Deepankur Sharma, Advocate for the petitioners

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) This order shall dispose of the above-captioned writ petitions pertaining to the same acquisition process. The point in issue involved is whether the subject acquisition is deemed to have lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The land/plot/residential house of petitioners measuring between 2 to 5 marla are situated within the revenue estate of Janta Nagar, Indira Colony, Manimajra, UT Chandigarh and have been acquired vide award dated 05.03.2003. Brief facts are being extracted from CWP No.11516 of 2016.

(2) The land of the petitioner measuring 2 marla situated within the revenue estate of Janta Nagar, Indira Colony, Manimajra, UT Chandigarh. A residential house is said to have been constructed on the said piece of land which was purchased vide sale deed dated 20.03.1996 and since then he is residing with his family. The said plot of land has been acquired by the respondents vide Award No.557 dated 05.03.2003. The petitioner now seeks a declaration that the acquisition of his land is deemed to have lapsed on the grounds mentioned in Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, namely, that neither the compensation amount was paid to him nor the same has been deposited with the Reference Court as per

(3) Learned senior counsel for UT Administration has handed over a chart in a tabulated form wherein it is candidly admitted that the compensation amount has been deposited with the Reference Court only on 09.07.2014 i.e. after the 2013 Act came into force. In other words, no compensation amount was deposited with the Reference Court on or before 01.01.2014. There can thus be no escape but to hold that the impugned acquisition has lapsed in view of Section 24(2) of the 2013 Act.

(4) That being so 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 petitions are allowed and the impugned acquisitions are declared to have lapsed in view of Section 24(2) of 2013 Act.

(5) 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 petitioner(s) 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.

(6) Ordered accordingly.

(Surya Kant)
Judge

09.12.2016
vishal shonkar

(Sudip Ahluwalia)
Judge