

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.13206 of 2014 (O&M)

Date of Decision: 29.11.2016

Mohinder Singh & Ors.

... Petitioners

VS.

Chandigarh Admn. & Ors.

... 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. Davinder Lubana, 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) There are 27 petitioners in this case who have laid challenge to the acquisition of their land/properties situated in the revenue estate of village Palsora, UT Chandigarh made vide award dated 24.11.2008. One of the plea taken is that the impugned acquisition shall be deemed to have lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in view of the fact that the petitioners are in continuous uninterrupted physical possession of the acquired property for a period of five years or more after passing the award and before the new Act came into force w.e.f. 01.01.2014.

(2) The factum of petitioners' possession is not disputed by the respondents except that ownership of petitioner No.22 (Surjit Singh) and petitioner No.25 (Parduman Singh) has been questioned.

(3) 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 under Section 24 (2) of 2013 Act.

(4) 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 incumbrances 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.

(5) Ordered accordingly.

(6) Further the aforesaid declaration is subject to petitioners No.22&25 producing the ownership proof to the satisfaction of the Land Acquisition Collector as and when occasion arises.

(Surya Kant)
Judge

29.11.2016
vishal shonkar

(Sudip Ahluwalia)
Judge