

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.11814 of 2016.

Date of Decision: November 08, 2016

M/s Search Pharma Private LimitedPetitioner

versus

The State of Haryana and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Shailendra Jain, Senior Advocate with
Ms.Rajni Paul, Advocate, for the petitioner.

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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 question that arises for consideration in this case is whether the petitioner is entitled to invoke Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the 2013 Act'). The aforementioned question has arisen for consideration in the following backdrop.

The subject acquisition was admittedly carried out vide notifications dated 06.05.1982 and 02.05.1985 issued under Sections 4 & 6 of the Land Acquisition Act, 1894, respectively, followed by Award dated 01.05.1987.

The petitioner was neither owner nor in possession of the acquired land till the passing of the Award.

The petitioner claims to have purchased a part of the acquired land by way of different sale deeds in the years 1997, 1998 and 2001. It is quite strange that the Sub-Registrar-cum-Tehsildar registered those sale deeds regardless of the fact that the vendor was no longer owner of the land

The fact that there was continuous entries in the revenue record in favour of the previous owner is totally inconsequential as title is not drawn from the mutation entries. The failure of the revenue authorities in not correcting the revenue record apparently as a result of collusion and connivance, does not and cannot create any cloud on the absolute title of the State qua the acquired property.

In this fact-situation, the question namely, whether the so called subsequent vendee, who does not have any valid title, can invoke Section 24 (2) of the 2013 Act, has been answered by this Court against subsequent vendee vide order dated 08.08.2014 passed in CWP No.2304 of 2014 (M/s National Packing Industries versus State of Haryana and others). This Court viewed as follows:-

“...13. The petitioner who got executed the Lease Deed after issuance of Section 4 notification and the so-called Sale Deed in the year 1995 much after passing the Award, thus, has no locus standi to question the acquisition proceedings much less to claim the benefit under 2013 Act. No fresh cause of action has accrued to the petitioner on coming into force of the 2013 Act. No person can be permitted to circumvent the law in the manner suggested by the petitioner by trying to invoke misplaced sympathy....”

For the reasons afore-stated this writ petition is dismissed.

[SURYA KANT]
JUDGE

November 08, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

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