

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.1288 of 2016 (O&M)

Date of Decision: 09.12.2016

Darshna Devi & Anr.

... Petitioners

VS.

UT Chandigarh & Ors.

... Respondents

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

Present: Mr. GC Dhuriwala, 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) The petitioners purchased land measuring 1 kanal 3½ marla situated within the revenue estate of Village Manimajra, UT Chandigarh fully described in para 3 of the writ petition, vide registered sale deed dated 23.04.1990 (P1 & P2). The above-stated land was acquired through award dated 09.11.1992. The said acquisition is now questioned on the ground that the same is 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 as neither the compensation amount was paid to them nor deposited with the Reference Court as per Section 31(2) of the Land Acquisition Act, 1894.

(2) Learned senior counsel for UT Administration has handed over a chart in a tabulated form disputing the ownership of the petitioner as according to them, the land described in the writ petition is owned by one Dharam Singh s/o Kartar Singh and not the petitioners. There is, however,

hearing, it could not be disputed that the compensation amount has been deposited under Section 31(2) of the 1894 Act only after 01.01.2014 i.e. after the 2013 Act came into force.

(3) Since the title of the petitioners *qua* acquired land is disputed, it is obligatory on them to produce the relevant documents before Land Acquisition Collector, who shall verify and re-determine the question of ownership of the acquired property. The Land Acquisition Collector shall pass a reasoned order after discussing the material to be produced from both sides. In case it is found that the petitioners have failed to establish their title, a copy of the reasoned order shall be communicated to them with liberty to challenge the same before the Civil Court. The Collector shall pass an appropriate order within a period of three months from the date of receipt of certified copy of this order.

(4) However, if the petitioners are found to be having a valid title *qua* the acquired property, in that event, and for the detailed reasons assigned by this Court in the order dated 27.10.2016 passed in **CWP No.17464 of 2007** titled as **Satnam Singh & Anr. vs. State of Haryana & Ors.**, the instant writ petition shall be taken to have been allowed and the impugned acquisition shall be treated to have lapsed under 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

1. Whether speaking/reasoned?	Yes
2. Whether reportable?	No