

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.15235 of 2014 (O&M)

Date of Decision: 09.12.2016

Ram Sarup & Ors.

... Petitioners

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 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 have purchased small size residential plots measuring 3, 3.5, 4 & 5 marlas by way of registered sale deeds dated 04.07.1991, 05.06.1991 and 10.06.1991, copies whereof have been placed on record. The petitioners are said to have constructed houses bearing Nos.49, 50, 48 & 47, respectively on these plots in Indira Colony, Janta Nagar, Manimajra, UT Chandigarh. The above-stated plots were acquired by the Chandigarh Administration vide award dated 05.03.2003.

(2) The petitioners challenge the acquisition primarily on the ground that the same 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.

(3) The respondents have furnished a chart in tabulated form along with an affidavit in which though the ownership of the petitioners is disputed but such an objection has no merit in the light of the registered sale deeds which were executed before issuance of Section 4 notification. It is, however, candidly admitted that no compensation was paid to the petitioners and it has been deposited with the Reference Court only on 09.07.2014 i.e. much after 01.01.2014.

(4) 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 both grounds as contained in 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 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.

(6) Ordered accordingly.

(Surya Kant)
Judge

09.12.2016
vishal shonkar

(Sudip Ahluwalia)
Judge