

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.1360 of 2016 (O&M)

Date of Decision: 09.12.2016

Rajinder Lal

... Petitioner

VS.

Chandigarh Administration & 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. Sanjeev Kodan, Advocate for the petitioner

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 claim that the acquisition of his land measuring 24ft.x96ft. fully described in para 2 of the writ petition and situated within the revenue estate of village Manimajra, UT Chandigarh which was acquired vide award dated 05.03.2003 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 claim is based on the premise that the possession of the acquired land is still with him.

(2) Learned senior counsel for the UT Administration has handed over a chart giving particulars in a tabulated form and as per the categorical stand taken therein, the petitioner has already received the compensation (actually received by the Bank with whom the plot was mortgaged) before 01.01.2014.

(3) This fact is not disputed by learned counsel for the petitioner.

(4) As regard to the possession, the respondents have taken a categorical stand that the possession was taken on 05.03.2010. Learned counsel for the petitioner relies upon the photographs (P4) to claim that the possession is still with him. We are, however, not convinced with the plea as the photographs reveal the land to be vacant where some old wooden items are lying. This cannot be the conclusive proof of retention of physical possession of acquired site by the petitioner.

(5) Dismissed.

(Surya Kant)
Judge

09.12.2016
vishal shonkar

(Sudip Ahluwalia)
Judge