

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13746-2016

Date of Decision: July 15, 2016

Kulwant Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Mr.Mandeep S.Sachdev, Advocate
for the petitioners.

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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.

The petitioners have laid challenge to the Notification dated 16.03.1956, issued under Section 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act'), which culminated into the Award, dated 31.01.1958, (Annexure P2). It is claimed that the said acquisition has lapsed in view of Section 24(2) of the Right of Fair Compensation and Transparency in the Land Acquisition Act, 2013 (for short, 'the 2013 Act'), as the respondent-authorities-Irrigation Department never took possession of the acquired land.

We have heard learned counsel for the petitioners at a considerable length and are of the view that the writ petition is totally

misdirected, misconceived and need not be entertained.

We say so for the reasons that admittedly the petitioners were not the owners of the land under acquisition at the time of declaration under Section 6 of the 1894 Act or when the Award was passed. They and even their vendors are said to have purchased it vide sale deeds dated 28.06.1978 and 05.08.1985. The part of the land is claimed to have been taken through an exchange deed dated 06.03.2014.

It is further claimed that in the Award, dated 31.01.1958, khasra numbers of the acquired land were not mentioned and it is only in the year 2015 that mutation of specific khasra numbers in favour of State Government has been entered into. The petitioners are said to have continued in possession of the land. The aforementioned plea is *ex-facie* misconceived as once the land was acquired and Award passed, it stood vested in the State free from all incumbrances in view of Section 16 of the 1894 Act. The previous owners were left with no right, title or interest which they could transfer in favour of the petitioners or their vendors by way of an instrument of transfer like sale-deed. The petitioners have purchased the land which had already been acquired with their open eyes, hence cannot claim themselves to be *bona fide* purchasers, for it is not their case that the previous land owners duped them or concealed any material facts.

Still further, if the petitioners are under a misconceived impression that the particulars of the land, which was actually acquired and the one sold to them were not disclosed to them by the vendors then their

claim, if any, lies against their vendors and not against the State.

The previous owners having relinquished their right in favour of the State, in all probabilities must have received the compensation also though particulars whereof have not been disclosed in the writ petition.

The subsequent sale deeds are nothing but null and void transactions which cannot transfer any title in the land/property as the vendors did not possess any such title. Since the vendors were never the owners of the land, the petitioners cannot claim benefit of Section 24(2) of the 2013 Act.

Dismissed.

If the petitioners have any claim against their vendors, they may agitate the same, in accordance with law.

(SURYA KANT)
JUDGE

July 15, 2016
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(DARSHAN SINGH)
JUDGE