

CWP-15017-2016

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-15017-2016

Date of Decision: November 30, 2016

Angrej Kaur and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Samir Rathore, Advocate
for the petitioner.

Mr.P.S.Bajwa, Addl.AG, Punjab.

Mr.Shekhar Verma, Advocate
for GMADA.

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SURYA KANT, J.

Petitioners have questioned the acquisition of their land/property situated within the revenue estate of village Mataur, District SAS Nagar, Mohali, fully described in para 2(i) of the writ petition. The acquisition was made vide Award dated 12.07.1984

The petitioners have taken a specific plea that they are in continuous uninterrupted physical possession of the acquired land/property and compensation amount has also been not paid to them for a period of more than five years from the date of passing the Award till the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and

Resettlement Act, 2013 came into force w.e.f. 01.01.2014.

The beneficiary department, namely, Estate Officer, GMADA, has filed the affidavit dated 30.11.2016 in which it is candidly acknowledged that land is in possession of the petitioners and they have not been paid the compensation amount, which was also not deposited with the Reference Court also in accordance with Section 31 of the Land Acquisition Act, 1894.

In the light of the above noticed undisputed facts, there can be no escape but to declare that the impugned acquisition qua petitioners' land/property is deemed to have lapsed under Section 24(2) of the 2013 Act.

For the detailed reasons assigned by us in CWP No.17464 of 2007 (Satnam Singh and another vs State of Haryana and others) decided on 27.10.2016, the writ petition is allowed and the impugned acquisition qua petitioner's land is lapsed.

Having held so, we are surely 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 incumbrances 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.

(SURYA KANT)
JUDGE

November 30, 2016
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(SUDIP AHLUWALIA)
JUDGE

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