

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

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**CWP No.21412 of 2014 (O&M)**

**Date of Decision: 09.12.2016**

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Jagdish Kumar & Ors.

... Petitioners

VS.

UT Chandigarh & Anr.

... Respondents

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

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Present: Mr. PS Dhiman, 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

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**SURYA KANT, J. (Oral)**

(1) The petitioners are said to have purchased plots measuring 5 marla each situated within the revenue estate of village Manimajra, UT Chandigarh fully described in para 2 of the writ petition. Their land was acquired vide award dated 26.02.1993. The respondents have questioned the ownership of petitioner No.5 who is mother of petitioner No.6, whose ownership is not disputed. Petitioner No.5 being widow of Tara Chand has also inherited the estate of her deceased husband like her son. Hence, the objection of the respondents is untenable and is rejected.

(2) Adverting to the merits of the case, the petitioners assert that the acquisition is deemed to have lapsed on the grounds mentioned in Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(3) The petitioners' case is that neither the compensation amount was paid to them nor it has been deposited with the Reference Court under

by the respondents in a tabulated form, it is candidly admitted that the compensation amount was deposited with the Reference Court only on 09.07.2014 i.e. much after the new Act came into force. In other words, the compensation amount has not been deposited with the Reference Court under Section 31 of the Land Acquisition Act, 1894. Thus one of the ingredients of Section 24(2) of the 2013 Act stands fully satisfied.

(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 in view of 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

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