

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.21483 of 2015 (O&M)

Date of Decision: 09.12.2016

Roshan Lal ... Petitioner

VS.

UT Chandigarh & Ors. ... Respondents

CWP No.21495 of 2015 (O&M)

Raj Rani ... Petitioner

VS.

UT Chandigarh & Ors. ... Respondents

CWP No.21510 of 2015 (O&M)

Pradeep Narain Singh ... Petitioner

VS.

UT Chandigarh & Ors. ... Respondents

CWP No.21811 of 2015 (O&M)

Mohammad Sadiq ... Petitioner

VS.

UT Chandigarh & Ors. ... Respondents

CWP No.25815 of 2015 (O&M)

Kashmir Singh ... Petitioner

VS.

UT Chandigarh & 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. Aman Pal, 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) This order shall dispose of the above-captioned writ petitions pertaining to the same acquisition process. The point in issue involved is whether the subject acquisition 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 land/plot/residential house of petitioners in all these cases are situated within the revenue estate of Village Subhash Nagar, Manimajra, UT Chandigarh and were acquired vide award dated 21.06.1993. Brief facts are being extracted from CWP No.21483 of 2015.

(2) The petitioner purchased a plot measuring 1350 sq.feet situated within the revenue estate of Village Subhash Nagar, Manimajra, UT Chandigarh. A residential house over the said plot is said to have been constructed in which the petitioner is residing with his family. The said plot has been acquired by the respondents vide Award No.479 dated 21.06.1993. The petitioner now seeks a declaration that the acquisition of his land 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, namely, that neither the compensation amount was paid to him nor the same has been deposited with the Reference Court as per Section 31(2) of the Land Acquisition Act, 1894.

(3) Learned senior counsel for UT Administration has handed over a chart in a tabulated form wherein it is candidly admitted that the compensation amount in some cases has either not been deposited with the Reference Court or the same has been deposited after 01.01.2014 i.e. after the coming into force of the 2013 Act. There can thus be no escape but to hold that the impugned acquisition has lapsed in view of Section 24(2) of the 2013 Act.

(4) That being so and 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 petitions are allowed and the impugned acquisitions are 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 petitioner(s) 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