

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.21766 of 2015 (O&M)

Date of Decision: 09.12.2016

Kamal Kishore

... 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) The land of the petitioner measuring 1350 feet situated within the revenue estate of Village Subhash Nagar, Manimajra, UT Chandigarh has been acquired vide award dated 30.08.1993.

(2) According to the petitioner the subject 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, namely, that neither the compensation amount was paid to him nor it has been deposited with the Reference Court as per Section 31(2) of the Land Acquisition Act, 1894.

(3) Though no written statement has been filed by the respondents but learned senior counsel for the UT Administration, on instructions, states that as per the record maintained by the office of Land Acquisition Collector, no land owned by the petitioner has been found to have been

acquired vide award dated 21.06.1993. On this premise, it is urged that the petitioner's claim is wholly misconceived. He further contended that on comparison of the particulars referred to by the petitioner in the writ petition, the compensation amount appears to have been paid.

(4) On the other hand, his learned counsel contends that there is ample proof with the petitioner to prove his ownership *qua* the property fully described in the writ petition.

(5) Having heard learned counsel for the parties and finding that the writ petition involves disputed question of facts, we deem it appropriate to dispose of the same with liberty to the petitioner to submit a comprehensive representation along with proof of ownership of the acquired property before the Land Acquisition Collector for NAC Manimajra – respondent No.3 within one month from the date of receipt of certified copy of this order. On receipt of such representation, the Land Acquisition Collector shall hold a fact finding enquiry and if it is found that the land/property of the petitioner was in fact acquired vide the subject award or any other subsequent award, he shall further enquire as to whether or not the provisions of Section 24(2) of the 2013 Act are attracted? Such claim shall be considered in the light of the decision given by this Court recently in **Satnam Singh & Anr. State of Haryana & Ors. (CWP No.17464 of 2007)** decided on 27.10.2016.

(6) If the Land Acquisition Collector finds that the claim of the petitioner falls within the ambit of Section 24(2) of the 2013 Act, he shall submit a report to the UT Administration within two months whereupon, the Chandigarh Administration shall take a decision within one month from the date of receipt of report of Land Acquisition Collector. In the event of non-

acceptance of the petitioner's claim, a reasoned order shall be passed after hearing him. The petitioner shall thereafter be at liberty to approach the appropriate forum in accordance with law.

(7) Ordered accordingly.

(Surya Kant)
Judge

09.12.2016
vishal shonkar

(Sudip Ahluwalia)
Judge