

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.25605 of 2015 (O&M)

Date of Decision: 09.12.2016

Harpal Singh

... Petitioner

VS.

UT Chandigarh & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

- | | |
|--|-----------------|
| 1. Whether speaking/reasoned? | Yes / No |
| 2. Whether reportable? | Yes / 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. Karamjit Verma, Advocate for the petitioner

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 where he is said to have constructed a residential house, measuring 6 marla, situated within the revenue estate of village Manimajra, UT Chandigarh fully described in para 5 of the writ petition was acquired vide award dated 05.03.2003. The land was purchased by the petitioner vide sale deed dated 24.06.1991.

(2) The petitioner now seeks a declaration 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) It is the plea of the petitioners that neither the compensation amount was paid nor it has been deposited with the Reference Court under Section 31(2) of the Land Acquisition Act, 1894. As per the chart furnished

by the respondents in a tabulated form, it is candidly admitted that the compensation amount was deposited with the Reference Court on 16.07.2014 i.e. much after the new Act came into force w.e.f. 01.01.2014. Such a deposit is not in consonance with Section 31(2) of the Land Acquisition Act, 1894. Thus one of the ingredients of Section 24(2) of the 2013 Act is fully satisfied.

(4) Resultantly 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 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 petitioner 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