

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.3256 of 2013 (O&M)

Date of Decision: 09.12.2016

Ramesh Chander & Ors.

... Petitioners

VS.

UT Chandigarh & Ors.

... Respondents

CORAM: HON’BLE MR.JUSTICE SURYA KANT
HON’BLE MR.JUSTICE SUDIP AHLUWALIA

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

Present: Mr. Manpreet Singh, 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 petitioners are owners of plots measuring different sizes which they have purchased on different dates by way of registered sale deeds as per the following details:-

Sr.No.	Petitioner’s name	Khasra No.	Area (Sq.yds)	Date of Sale deed
1.	Ramesh Chander	60/10/1	105	21.10.91
2.	Shakuntla Devi	61/5/1	120	21.09.98
3.	Yash Pal Sharma	61/5/1	120	19.9.88
4.	Krishna Devi	50/21/2	90	12.7.89
5.	Jaswant Singh	60/10/1	90	29.11.90
6.	Kailash Wanti	60/10/1	90	23.4.91
7.	Kapil Dev	61/5/1	90	20.4.89
8.	Avtar Singh	60/10/1	180	2.1.91
9.	Rajinder Singh			
10.	Jai Pal Singh	50/20/2	75	6.12.90
11.	Dr. Pawan Kumar	60/10/1	75	23.4.91
12.	Satinder Pal	60/10/1	300	15.2.91
13.	Shobh Raj	60/10/1	75	15.2.91

(2) The above-stated plots formed part of the acquisition made by the Chandigarh Administration vide award dated 26.02.1993.

(3) The petitioners have questioned the above-stated acquisition on the ground that it is deemed to have lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The plea taken is that no compensation amount was consented to be paid and in the absence of their consent, the same has not been deposited with the Reference Court under Section 31(2) of the Land Acquisition Act, 1894.

(4) Learned senior counsel for UT Administration, on instructions, admits that the compensation amount has been deposited with the Reference Court after 01.01.2014 though the possession of the plots is said to have been taken on 06.04.1994. Since the petitioners have established one of the ingredients of Section 24(2) of the 2013 Act, namely, non-payment/deposit of the compensation amount as per law, there can be no escape but to hold that the impugned acquisition has lapsed.

(5) 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.

(6) 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.

(7) Ordered accordingly.

(Surya Kant)
Judge

09.12.2016
vishal shonkar

(Sudip Ahluwalia)
Judge