

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2825 of 2016 (O&M)

Date of Decision: 09.12.2016

Jang Singh & Anr.

... Petitioners

VS.

UT Chandigarh & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

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| 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. SB Kaushik, 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 challenge in this writ petition is to the acquisition of petitioners' land measuring 1 kanal 1 marla comprising Khasra No.215 situated within the revenue estate of Village Sarangpur, UT Chandigarh which was made vide award dated 27.12.2006. According to the petitioners, the said acquisition 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. It is the conceded position that the compensation amount has been neither paid to the petitioners nor deposited with the Reference Court before 01.01.2014 as per Section 31(2) of the Land Acquisition Act, 1894.

(2) Admittedly the compensation amount has been deposited with the Reference Court only on 25.08.2014 i.e. after the 2013 Act came into force which is totally inconsequential. That being so and for the detailed reasons assigned by this Court in the 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.

(3) 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.

(Surya Kant)
Judge

09.12.2016
vishal shonkar

(Sudip Ahluwalia)
Judge