

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.10313 of 2011

Date of Decision: 02.02.2017

Bhagwan Singh (deceased) through LRs and others -----Petitioners
Versus

State of Punjab and others -----Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Harinder Singh Sidhu**

Present: Mr. Rajeshwar Singh Thakur, Advocate
for the petitioners.

Mr. Rajinder Goyal, Addl. A.G., Punjab.

Mr. Vijay Kumar Kaushal, Advocate
for respondent No.4.

RAJESH BINDAL, J.

The notification under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') was issued on 21.06.2006 seeking to acquire the land owned by the petitioners for the purpose of setting up of the sewerage pumping station, which was followed by notification issued under Section 6 of the Act on 24.10.2006. Though the petitioners were summoned for announcement of award on 07.12.2006 but finally no award was passed by the Land Acquisition Collector. This fact was even admitted by the Collector before the Reference Court where the petitioners' case for determination of the amount of compensation was pending. The award for the acquired land in question has not been pronounced. The reference was disposed of as pre-mature on 09.10.2010.

The contention of the learned counsel for the petitioners is that in terms of Section 11 of the Act, the award has not been pronounced within two years from the date of publication of notification issued under Section 6 of the Act. The acquisition proceedings have lapsed.

The aforesaid fact regarding no award having been pronounced by the Collector subsequent to the issuance of notifications issued under Sections 4 and 6 of the Act respectively has not been disputed. What is sought to be addressed is the typed copy of the award lying in the file.

After hearing learned counsel for the parties and considering undisputed fact that after issuance of notification issued under Section 6 of the Act, admittedly no award was announced by the Collector within a period of two years, the acquisition proceedings have lapsed by operation of law in terms of Section 11-A of the Act. However, it will not debar the State from acquiring the land again in this case as the same has been utilized for any public purpose in terms of the provisions of applicable law. Any amount of compensation already paid to the petitioners shall be adjustable in the final compensation to be determined for the acquired land.

The writ petition is disposed of accordingly.

(Rajesh Bindal)
Judge

02.02.2017
Atul

(Harinder Singh Sidhu)
Judge

Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No