

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

CWP No.12841 of 2017 (O&M)

Date of Decision : 01st June, 2017

Ashok Singla and others

..... Petitioners

Versus

Union Territory, Chandigarh and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MRS. JUSTICE SNEH PRASHAR**

Present : Mr. Tushar Sharma, Advocate for the petitioners.

RAJESH BINDAL, J.

The petitioners have approached this Court with a prayer that the acquisition of the land has lapsed in view of the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as the possession of the acquired land was not taken by the authorities.

Notification under Section 4 of the Land Acquisition Act, 1894 (for short 'the 1894 Act') was issued on 04.05.2000. It was followed by notification under Section 6 of the 1894 Act, issued on 03.05.2001. Award was announced by the Collector on 21.03.2003. The amount of compensation was received by the petitioners. Aggrieved against the award of the Collector, the petitioners filed objections under Section 18 of the 1894 Act. Thereafter, even the enhanced amount of compensation has also been received by the petitioners.

It is not in dispute that the land is lying open. There is no construction existing thereon. The claim is sought to be made on the ground that there is no entry made in the revenue record showing that the

possession of the land has been taken by the authorities. In support of the plea, reliance was placed upon the order dated 29.11.2016, passed by this Court in CWP No.9683 of 2004 titled as Chand Singh and others versus UT, Chandigarh and others.

After hearing learned counsel for the petitioners, we do not find any merit in the present petition.

Admittedly, the petitioners have received the compensation as awarded by the Collector and also the enhanced compensation as determined by the Court. The only issue sought to be raised is regarding the possession being not taken by the authorities. The land is admittedly lying open. The petitioners have no right, title or interest in the property after receipt of compensation and even the enhanced compensation. The order dated 29.11.2016, passed by this Court in Chand Singh and others' case (supra), also does not come to the rescue of the petitioners for the reason that in the aforesaid case it has specifically been recorded that the petitioners therein were neither paid the compensation nor the possession was taken.

Keeping in view the aforesaid facts, we do not find any merit in the present writ petition and the same is dismissed accordingly.

(RAJESH BINDAL)
JUDGE

(SNEH PRASHAR)
JUDGE

01st June, 2017

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