

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

CWP No. 26074 of 2015 (O&M)

Date of decision: 21.3.2017

Shakuntla Tewatia

.. Petitioner

VS

U. T. Chandigarh and others

.. Respondents

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

Present: Ms. Aashna Gill, Advocate for
Mr. Aman Pal, Advocate, for the petitioner.

Mr. Sanjeev Sharma, Senior Advocate with
Mr. Dushyant Sarvesh and Mr. Shekhar Verma, Advocates,
for Chandigarh Administration, for respondent nos. 1 and 3.

Ms. Deepali Puri, Advocate, for respondent no. 2.

Rajesh Bindal, J.

The petitioner has filed the present petition seeking to challenge the acquisition of land, while placing reliance on the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the 2013 Act'). The plea raised is that in view of the provisions of Section 24(2) of the Act, the acquisition has lapsed.

Briefly, the facts of the case are that vide notification dated 28.6.1990, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act'), the Chandigarh Administration sought to acquire 64.23 acres of land, situated in village Manimajra, Hadbast No. 375, U. T. Chandigarh, for development of Residential-cum-Commercial Scheme No.3. The same was followed by notification dated 24.6.1991, issued under Section 6 of the 1894 Act. The Land Acquisition Collector (for short, 'the

Collector'), vide award dated 21.6.1993, assessed the market value of the acquired land.

It is the admitted fact on record that the petitioner had purchased the land much after the acquisition. The sale deed in favour of the petitioner is dated 8.11.2005.

The issue as to locus of a person who purchases land after acquisition thereof, has been gone into by this court in CWP No. 2304 of 2014 - M/s National Packing Industries vs State of Haryana and others, decided on 8.8.2014; CWP No. 20840 of 2014 - Rajiv Kumar vs State of Haryana and others, decided on 18.8.2015 and Ramesh Devi vs State of Haryana and others, 2016(1) RCR (Civil) 38 and the same was answered in negative. Special Leave Petition CC No (c). 12535 of 2015 - Suresh Garg and another vs State of Haryana and others, against the judgment in M/s National Packing Industries' case (supra) has also been dismissed. Still learned counsel for the petitioner sought to re-argue the matter stating that the same is required to be considered from a different angle, however, we do not find any reason to re-examine the issue, once it had already been considered in three different cases earlier.

Accordingly, for the reasons stated in the aforesaid judgments, we do not find any merit in the present petition and the same is accordingly dismissed.

(Rajesh Bindal)
Judge

21.3.2017
vs

(Harinder Singh Sidhu)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No