

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

**CWP No.7134 of 2014 (O&M)
Date of Decision:-August 01, 2017**

Inderjit Sehajpaul and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

**CORAM: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Gurvinder Singh Gill**

Present : Mr. Shailendra Jain, Senior Advocate with
Mr. Sahil Nayyar, Advocate;
Mr. Gaurav Rana, Advocate;
Mr. Ajaivir Singh Advocate;
Mr. Ramandeep Singh Pandher, Advocate;
Mr. Siddharth Sharma, Advocate for the petitioners.

Mr. P.S. Bajwa, Addl.A.G., Punjab.

Mr. G.S. Attariwala, Advocate,
for respondents No.2 and 3 in CWP No7134 of 2014.

Ms. Kavita Arora, Advocate
for Improvement Trust in CWP No.15669 of 2014.

Mr. S.C. Pathela, Advocate for the Improvement Trust
in CWP Nos.9470, 8910, 9050, 9058 and 8354 of 2014.

Rajesh Bindal J:

This order will dispose of a bunch of petitions bearing CWP Nos. 7134, 9470, 15669, 8910, 9050, 9058 and 8354 of 2014 as common questions of law are involved therein.

The plea raised in all the petitions is that the acquisition made by the Improvement Trust, Phagwara has lapsed in view of provisions of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short “the 2013 Act”).

Notifications under Sections 36 and 42 of the Punjab Town Improvement Act, 1922 (for short the “1922 Act”) were issued by the Improvement Trust on different dates in all the petitions. A common legal issue raised in all the petitions is that either compensation for the acquired land has not been paid and/or possession of the acquired land has not been taken.

Issue regarding applicability of the provisions of the 2013 Act to the acquisition made under the 1922 Act has been gone into by a Division Bench of this Court in 2016(4) R.C.R.(Civil) 682-Bhatinda Improvement Trust Versus Madan Lal and others, wherein while relying upon the order passed by Hon’ble the Supreme Court in SLP (Civil) Nos.8565-8567 of 2011 titled as Gurcharan Singh and others versus State of Punjab and others, in para 25, it was observed as under:-

“A close reading of Section 24 makes it clear that land acquisition proceedings under Land Acquisition Act, 1894 (for short, ‘the 1894 Act’) are deemed to have lapsed in certain cases which are indicated in the provision. Since the acquisition of the subject land has taken place under the 1922 Act and not under the 1894 Act, Section 24 has no application at all.”

It has been opined that the 2013 Act has no application to the acquisition of land under the 1922 Act, as it has its application only for the acquisition proceedings under the Land Acquisition Act, 1894.

Learned counsel for the petitioners pointed out that Special Leave Petition against the judgment of this Court in Bhatinda Improvement Trust’s case (supra) has been filed before Hon’ble the Supreme Court in which *status quo* has been granted. It may be added that in Bhatinda Improvement Trust’s case (supra), acquisition was challenged much prior to

the enactment of 2013 Act on different grounds. Plea of Section 24(2) of the 2013 Act was taken during the pendency of the matters.

After hearing learned counsel for the parties and considering the fact that the legal issue involved in the bunch of petitions has already been gone into by this Court in Bhatinda Improvement Trust's case (supra), for the reasons stated therein, we do not find that the 2013 Act has any application to the acquisition carried out under the 1922 Act. Hence, there is no merit in the present petitions.

The writ petitions are accordingly dismissed.

(Rajesh Bindal)
Judge

August 01, 2017
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No