

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

CWP No.9079 of 2014 (O&M)

Date of decision : 4.12.2017

Harjinder Singh Johal

.. Petitioner

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. Satyendra Chauhan, Advocate, for the petitioner.

Mr. P.S. Bajwa, Additional Advocate General, Punjab.

Mr. S.C. Pathela, Advocate, for respondent No.2.

Rajesh Bindal, J.

The plea raised in the present petition is that the acquisition of land 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”).

Notification under Section 42 of the Punjab Town Improvement Act, 1922 (for short the “1922 Act”) was issued by the Improvement Trust on 27.10.1976. A legal issue raised in the petition 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 petitioner 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 present petition 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 petition.

The writ petition is accordingly dismissed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

4.12.2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No