

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.3304 of 2017.

Date of Decision: January 18, 2018

Vinod Garg and others

.....Petitioners

versus

Union Territory, Chandigarh and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE ANIL KSHETARPAL.

Present: Mr.D.R.Bansal, Advocate, for the petitioners.
Mr.Suvir Sehgal, Advocate, with
Mr.Jaivir Chandail, Advocate, for U.T.Chandigarh
Ms.Geeta Sharma, Advocate, for respondent Nos.3 & 4.
Ms.Harjeet Kaur, Advocate for
Ms.Deepali Puri, Advocate, for MC, Chandigarh.

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Surya Kant, J. (Oral)

The petitioners have laid challenge to the notifications dated 9/10.08.1990 and 08.08.1991 (P-1 & P-2, respectively), followed by Award dated 26.02.1993, whereby small parcels of land measuring 5 marla, 15 marla, 12 marla and 10 marla, respectively, purchased by them out of land comprising khewat No.806, khatoni No.913, khasra No.7, pocket No.11, hadbast No.375, situated within the revenue estate of Manimajra, U.T. Chandigarh, were acquired.

[2] The petitioners' case is that the above-stated acquisition has lapsed under Section 24 (2) of the Fair Compensation and Transparency in Land Acquisition (Rehabilitation and Resettlement) Act, 2013 as neither compensation was paid to the petitioners nor it has been deposited with the Reference Court under Section 31 of the Land Acquisition Act, 1894. It is also averred that possession of the land is with the petitioners.

[3] The respondents have filed their written statements which are taken on record. Though it is averred in the written statement that a School has been constructed on the acquired land but it is also candidly admitted that remaining land cannot be released due to the 'existing structure'. It emerges out that the School is not on the land of the petitioner though it is a fact that their land is required for development of playground or additional facilities for the School.

[4] Be that as it may, once compensation amount has been deposited in accordance with law and physical possession of the property remained with the petitioners, the necessary consequences must follow in law. It is also undeniable that in somewhat similar circumstances, this Court vide order dated 09.12.2016 rendered in CWP No.3256 of 2013 (Ramesh Chander and others versus U.T. Chandigarh and others) has declared a part of the same acquisition to have lapsed under Section 24 (2) of the 2013 Act.

[5] There can thus be no escape but to hold that the impugned acquisition in the instant case has also lapsed under Section 24 (2) of the 2013 Act.

[6] Having held so, we are of the view that the subject land might be required for the purpose of expansion of the School or for playground etc. If that is so, respondent-Administration shall be at liberty to re-acquire the land within a period of one year from today. Till such time, petitioners are directed to maintain *status-quo* re: nature of the land as well as its title. In other words, no third party right shall be created.

[7] The writ petition stands disposed of accordingly.

(SURYA KANT)
JUDGE

January 18, 2018
mohinder

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No