

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-1376-2015

Date of decision: 24.03.2022

Julfi Ram and others

...Petitioners

V/s.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Arvind Kashyap, Advocate for the petitioners.

Ms. Anu Pal, DAG, Punjab.

Ms. Salina Chalana, Advocate for respondent No.4.

Ritu Bahri, J.

The petitioners have filed the present writ petition seeking quashing of the notification dated 06.04.1992 (Annexure P-1), notification dated 06.04.1992 (Annexure P-2) under the Land Acquisition Act, 1894 and the award dated 30.05.1994 (Annexure P-3) keeping in view that the acquisition proceedings will be deemed to have lapsed in view of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'Act, 2013').

After notice of this petition, reply dated 15.06.2015 has been filed by the Collector, Land Acquisition, Department of Industries and Commerce, Punjab on behalf of respondents No. 1 to 3. It is stated therein that land in question was acquired by respondent No. 3 for establishment of Industrial Growth Centre at Pathankot vide award dated 30.05.1994 and its possession had been handed over to Punjab Small Industries and Export Corporation (hereinafter referred to as 'the Corporation'). The respondents

have placed on record copy of the letter dated 24.03.2014 (Annexure R/1) whereby the petitioner-Julfi Ram had been informed to come and receive the awarded amount but till date, he had not contacted the office. The respondents have also placed on record attendance sheet dated 30.05.1994 (Annexure R/2) to prove that the petitioners were present at the time of announcement of the award dated 30.05.1994. Copy of the Rapat No. 367 dated 25.06.1993 (Annexure R/3) shows that the possession of the land was taken, 80% of the compensation amount was disbursed to the land owners, mutation was entered in the revenue record and it was further handed over to the Corporation for setting up of Industrial Growth Centre, Pathankot. The said Rapat depicts the entire procedure followed for acquiring the land in question. The petitioner No.1 and Hans Raj s/o Moti Ram jointly had sent representation/letter dated 23.09.2013 (Annexure R/4) to the office of Collector Land Acquisition, Department of Industries and Commerce, Punjab, Chandigarh for releasing of their land to which reply dated 07.10.2014 (Annexure R-5) was given by the Superintendent (Land Acquisition) from the office of Collector Land Acquisition, Department of Industries and Commerce, Punjab, 17 Bays Building, Sector-17, Chandigarh, clarifying that possession of the land is with Punjab Small Industries and Export Corporation due to which it cannot be released now.

A separate written statement dated 14.02.2017 has been filed by the Chief General Manager (Legal), Punjab Small Industries and Export Corporation Limited, Udyog Bhawan, Sector-18, Chandigarh on behalf of respondent No.4, wherein it has been clarified that the acquisition proceedings were initiated while invoking the urgency provision under Section 17 of the Land Acquisition Act, 1894 and four separate awards were

passed for four villages on 30.05.1994 (wrongly written as 31.05.1994) and award No.1 dated 30.05.1994 (Annexure P-3) pertains to village Gho, where the land of the petitioner is situated. As per Section 17(3-A) of the Land Acquisition Act, 80% of the compensation has to be deposited before taking possession of the land. Since the land had been acquired for the Corporation and the said respondent had calculated the compensation amount to be Rs.3,35,28,986.96/- approx. (Rupees Three Crores Thirty Five Lacs Twenty Eight Thousand Nine Hundred Eighty Six and Ninety Six Paise only) for all the four awards pertaining to four villages acquired and 80% of the said amount i.e. Rs.3,07,29,284.20/- (Rupees Three Crores Seven Lacs Twenty Nine Thousand Two Hundred Eighty Four and Twenty Paise only) had been paid to the respondent No.3 vide cheque No. 0742312 dated 30.03.1993. On 28.06.1993, payment of balance 20% of the compensation amount i.e. Rs.27,99,702.96/- (Rupees Twenty Seven Lacs Ninety Nine Thousand Seven Hundred Two and Ninety Six Paise only) had been made to respondent No. 3 vide cheque No. 0742315 dated 25.06.1993. Annexure R-4/1 is the demand letter sent by the Collector Land Acquisition, Punjab Industries Department, Sector-17, Chandigarh to the Managing Director, Punjab Small Industries and Export Corporation, Udyog Bhawan, Sector-17, Chandigarh for receiving 80% of the total compensation. The covering letter sent by the Corporation to respondent No. 3 alongwith two cheques dated 25.06.1993 towards part payment of purchase of land for Growth Centre at Pathankot is annexed as Annexure R/4/2. The calculation sheet maintained by the Corporation is also annexed as Annexure R-4/3. The Corporation remitted the entire payment of compensation to the Land Acquisition Collector on 29.03.1993 and 28.06.1993 prior to the date of the

award i.e. 30.05.1994 and after passing of the award, possession of the land had been handed over to the Corporation for setting up of the Industrial Growth Centre at Pathankot as per Rapat No. 367 dated 25.06.1993 (Annexure R-4/4). Hence, all the acquisition proceedings by invoking the urgency provision under Section 17 of the Land Acquisition Act, 1894 stood completed before passing of the award dated 30.05.1994 (Annexure P-3).

Heard learned counsel for the parties and perused the case file.

After going through the written statements filed by the respondents, the claim of the petitioners for release of the land in view of Section 24 of the Act, 2013 is not made out as in the present case the award was passed on 30.05.1994 (Annexure P-3) and the total compensation was paid on 29.03.1993 and 28.06.1993 as it is evident from Annexures R-4/1 to R-4/3 attached with the written statement dated 14.02.2017 filed by the Corporation-respondent No.4. Further, the petitioners had not chosen to come and collect their compensation intentionally as it is evident from letter dated 24.03.2014 (Annexure R/1) and attendance sheet dated 30.05.1994 (Annexure R/2) to show that the petitioners were present at the time of announcement of the award dated 30.05.1994, which are attached with the reply dated 15.06.2015. After passing of the award dated 30.05.1994, possession of the land had been handed over to the Corporation for setting up of the Industrial Growth Centre at Pathankot as per Rapat No. 367 dated 25.06.1993 (Annexure R-4/4). Moreover, as per the Supreme Court judgment passed in *Indore Development Authority vs. Manoharlal and others*, AIR 2020 SC 1496 that once possession of the land had been taken, the land will vest in the State free from all encumbrances.

Since the petitioners did not come and collect the compensation amount, benefit of Section 24 of the Act, 2013 cannot be extended to them and once the possession had been taken as per ***Indore Development Authority's case (supra)***, acquisition proceedings cannot be quashed.

With these observations, writ petition is dismissed.

(RITU BAHRI)
JUDGE

24.03.2022

Divyanshi

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No