

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No. 5928 of 2016 (O&M)

Date of Decision: 28.08.2023

M/s Sham Lal Ram Nath

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE VIKAS BAHL, JUDGE

Present : Mr. Aman Joon, Advocate, for
Mr. Rajiv Kataria, Advocate, for the petitioner.

Mr. Arjun Sheoran, Deputy Advocate General, Punjab.

Mr. Sanjeev Sharma, Advocate, for respondent No.3.

RAVI SHANKER JHA, CHIEF JUSTICE (oral)

This petition has been filed by the petitioner claiming lapsing of acquisition proceedings initiated by the respondent-authorities in view of the provision of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act, 2013 in respect of the petitioner's land bearing Khasra No. 4//1/1(3-16), 5//5/3 (2-14), 27(29-0) total measuring 35 Kanals 10 marlas, situated in village Bulepur, Tehsil Samrala, District Ludhiana, on the ground that possession of the land in question had not been taken by the respondent-authorities inspite of the award being passed on 30.09.1974 and the possession still continues to be shown in the name of the petitioner.

2. Per-contra, it is submitted by learned Additional Advocate General appearing for the respondent-State of Haryana that the issues involved in the petition are squarely covered by the decision rendered by the

Supreme Court in *Indore Development Authority Vs. Manohar Lal and others 2020(8) SCC 129*, as the petitioner has admitted the fact of receiving compensation of the acquired land and has infact received the same. It is submitted that as the petitioner has received compensation of the acquired land, the acquisition proceedings would not lapse as has been held by the Supreme Court in *Indore Development Authority (supra)*. He further submits that even the possession of the land in question has been taken over by the respondent-PSIEC and the same is recorded in the name of the Government of Punjab as well as PSIEC in the jamabandi(s) for the year 1993-94 (Annexure R-3/2) and 2013-14 (Annexure R-3/1), which have been placed on record alongwith the Civil Misc. Application No. 5794 of 2023.

3. We have heard learned counsel for the parties.

4. In para No.10 of the petition, the petitioner has made the following averments:-

“10. That inspite of having received part of compensation, without having received any enhanced compensation, though the regular first appeal for enhancement bearing RFA No. 2368 of 1990 was filed before this Hon’ble Court was dismissed for non-prosecution. Therefore, the petitioner’s have not received any enhanced compensation, but he continued to enjoy the fruits of the property by having the possession of the same. The constructed area is shown in the plan, which is in possession of the petitioner and the land, which is abutting that constructed area is also in the possession of the petitioner and the same is being enjoyed by the petitioner. The major portion of the constructed area of godown is in Khasra No. 27, which can be well borne out from the Khasra Girdwari and the plans as well as the Shajra of the area.”

4. We have also perused the judgment dated 30.01.2019 passed by this Court in Regular First Appeal No. 2368 of 1990 wherein the compensation awarded to the petitioner of the acquired land has been enhanced to Rs.5,35,130/-.

5. In view of the aforesaid facts and circumstances, it is an admitted undisputed fact that the petitioner has received compensation of the land in question pursuant to the award passed by the authorities in the year 1974. Therefore, the question of lapsing of acquisition proceedings under Section 24(2) of the Act of 2013 does not arise in view of the compensation of the land in question having been received by the petitioner as held by the Supreme Court in *Indore Development Authority (supra)*. As far as the question of possession of the land in question is concerned, the authorities have placed on record the copies of jamabandies showing that the land in question is now recorded in the name of the Government of Punjab as well as the PSIEC. Accordingly, the issues involved in the petition are squarely covered by the decision of the Supreme Court in *Indore Development Authority (supra)* and therefore, the question of lapsing of acquisition proceedings under Section 24(2) of the Act of 2013 does not arise.

6. In view of the above facts and circumstances, the petition filed by the petitioner stands dismissed. All the pending applications, if any, also stand disposed of.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(VIKAS BAHL)
JUDGE

28.08.2023
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	√Yes/No