

2024:PHHC:143155-DB



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

(211)

CM-8068-CWP-2024 in/andCWP-18734-2015

Decided on : 04.11.2024

Bachan Singh through his GPA Onkar Singh

.....Petitioner(s)

Versus

Union Territory, Chandigarh & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA**

Present: None for the petitioner (s).
Mr.JaivirChandail, Addl.Standing Counsel, for U.T.

G.S. Sandhawalia, J. (Oral)

1. Application bearing CM-8068-CWP-2024 has been filed under Order 1 Rule 8(A) CPC for intervention.
2. Main writ petition was adjourned-*sine-die* order dated 25.11.2019, to await the decision by the Apex Court and was thereafter listed on 21.05.2024.
3. There was no appearance on behalf of the petitioner on 21.05.2024 and notice was issued on 13.08.2024 in the application for intervention bearing CM-8068-CWP-2024 to Mr.ADSJattana, who had been appearing for the petitioner at one point of time. He has chosen not to put in appearance. The writ petition was filed in 2015 challenging the notification dated 25.09.2003 (Annexure P-8) issued under Section 4 of the Land Acquisition Act, 1894 (for short, the 'Act') and the resultant proceedings under Section 6 of the Act dated 29.06.2004 (Annexure P-9) and the award dated 15.06.2005 (Annexure P-10).
4. The present petition is based on the strength of the fact that proceedings had lapsed under Section 24(2) of the Right to Fair Compensation & Transparency in Land Acquisition Rehabilitation & Resettlement Act, 2013.
5. In the reply filed by the State, it is submitted that the petitioner is not owner of the land in question and the petition is based on an agreement to sell dated 11.04.2000 (Annexure P-2) executed between Sucha Singh and Bachan Singh and apparently, a Will dated 11.04.2000 (Annexure P-3) was also executed in the same context.

6. A perusal of the said Will would also go on to show that there was no relationship between the parties and therefore, it seems to be a case of transfer of property without registration of any sale deed, before the issuance of Section 4 notification. The agreement also does not depict in any manner as to how Sucha Singh, the vendor was the owner of the land in question which he was transferring to the present petitioner, Bachan Singh, who has further been prosecuting the proceedings through his attorney, Onkar Singh. It has further been averred that possession of the land has been handed over to the Engineering Department on 12.03.2007.

7. The matter had been kept pending, awaiting the decision of the Constitution Bench of the Apex Court, which was subject matter of consideration in **Indore Development Authority Vs. Manohar Lal and others AIR 2020 SC 1496**. Keeping in view the fact that the twin conditions have not been violated and physical possession having been taken, we are of the considered opinion that nothing survives in the present petition which also suffers from the ailment of delay and laches and not liable to be entertained. It is always open to the landowner to withdraw the compensation deposited.

8. Accordingly, in view of the above discussion, we dispose of the present writ petition, with the aforesaid liberty. Resultantly, the application for intervention bearing CM-8068-CWP-2024 filed by Balkar Singh who claims to be a tenant in possession, is also disposed of as having been rendered infructuous.

(G.S. SANDHAWALIA)
JUDGE

04.11.2024
Sailesh

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No