

In the High Court of Punjab and Haryana at Chandigarh

[114]

CM-990-CWP-2024 in/and
CWP-25393-2017
Date of Decision: 14.02.2024

GAMA

..... PETITIONER

VERSUS

CHANDIGARH ADMINISTRATION AND OTHERSRESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Jaskaran Singh, Advocate for
Mr. Gurpreet Singh, Advocate for the petitioner.

Mr. Sanjiv Ghai, Advocate for respondents
No.1 & 2 (U.T. Chandigarh).

SURESHWAR THAKUR, J. (ORAL)

CM-990-CWP-2024

Application for placing on record Annexures A-1 to A-5, including
the site plans issued by the respondents concerned, is allowed as prayed for.

CWP-25393-2017

1. With the consent of learned counsel for the parties, the main case is
taken on board for hearing today.
2. The present writ petitioner claims relief for quashing of the
Notifications issued respectively under Sections 4 & 6 of the Land Acquisition
Act, 1894(*hereinafter in short referred to as 'the Act of 1894'*), notifications
whereof are embodied in Annexures P-5 and in P-6. Moreover, he also prays for
quashing and setting aside of Award dated 05.03.2003(Annexure P-7).
3. The above-made prayers become rested upon the provisions, as
carried in Section 24(2) of the Right to Fair Compensation and Transparency in
Land Acquisition, Rehabilitation and Resettlement Act, 2013 (*hereinafter in short
referred to as 'the Act of 2013'*).

4. The learned counsel for the petitioner submits that since the respondent concerned has not adduced any clinching discharging evidence in respect of *rapat possession*, becoming assumed over the acquired lands, nor qua the compensation amount, as became determined, thus, becoming available for being disbursed to the land losers concerned.

5. Resultantly, the learned counsel for the petitioner argues, that in terms of the verdict rendered by the Hon'ble Apex Court in “**Indore Development Authority Versus Manohar Lal and others**”, to which SLP (Civil) Nos. 9036-9038 of 2016, has been assigned, the present petitioner is well entitled to claim the benefit of Section 24 (2) of the Act of 2013.

6. However, the above-made reliefs cannot be granted to the writ petitioner, as it is clearly spelt out in the signed short written statement furnished to the writ petition, on behalf of respondents No.1 and 2 (U.T. Chandigarh), that the present petitioner has no *locus standi* to file the instant writ petition, as he did not ever own the acquired lands. Therefore, besides when the compensation amount, as became determined, in respect of the acquisitions being made of the acquired lands, rather become detailed in the said written statement, to become disbursed to the original land losers concerned. Resultantly thereby, this Court finds no merit in the instant writ petition, and, is constrained to dismiss the same.

7. Accordingly, the writ petition is hereby dismissed.

8. Pending application(s), if any, shall also stand disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(SUKHVINDER KAUR)
JUDGE

February 14, 2024