

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

2024.PHHC.127259-DB



(222)

**CWP No.26494 of 2019
Decided on : 25.09.2024**

Shiv Kumar Vashisht

.....Petitioner(s)

Versus

U.T. Chandigarh and another

.....Respondent(s)

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

Present: Mr. Sumit Kalyan, Advocate for
Mr. G.S. Mada an, Advocate for the petitioner (s).

Mr. J.S. Chandail, APP U.T. Chandigarh with
Mr. Mayank Sharma, Advocate
for the respondent- U.T. Chandigarh.

G.S. Sandhawalia, J.(Oral)

1. Challenge in the present writ petition filed under Articles 226/227 of the Constitution of India is to the acquisition proceedings which were initiated on 10.08.1990 (Annexure P-1) under Section 4 of the Land Acquisition Act, 1894 (for short '1894 Act') and the resultant declaration made under Section 6 of the said Act dated 08.08.1991 (Annexure P-2). The Award was passed on 26.02.1993 (Annexure P-3), which is also the subject matter of challenge. Challenge has also been raised to the lapsing dispute under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short '2013 Act'), after a period of 29 years.

2. The land in the present case was acquired of village Mani Majra, Chandigarh, for the purpose of Residential-cum-Commercial Complex. The pleadings are that the petitioner had purchased 3 marlas of land in Piple Wala Town, Manimajra from one Ajit Singh son of Jagir Singh, vide sale deed

20.08.1989 (Annexure P-4) and the mutation has been appended as Annexure P-5. It has further been pleaded that he had not been served any notice at the time of announcing of Award and, therefore, neither any payment has been made to the petitioner till date.

3. In the short reply filed, it has been specifically mentioned that compensation was received by the original owner Jagir Singh son of Sampuran Singh and possession has been taken over on 06.04.1994 and handed over to the Notified Area Committee/Municipal Corporation, U.T. Chandigarh. In such circumstances, respondents have relied upon the judgment of the Constitutional Bench passed in **Indore Development Authority Vs. Manoharlal and others, (2020) 8 SCC 129**. Report of possession has also been appended as Annexure A-1, regarding the Award No.475 dated 26.02.1993 qua the land in question. Apparently, the petitioner never got the mutation before the Section 4 notification, which would be clear from the vernacular copy of Annexure P-5. A perusal of Annexure P-5 goes on to show that on the basis of the sale deed in question, the mutation was only changed on 21.02.1992, whereas the Section 4 notification was dated 10.08.1990.

4. Thus, in such circumstances, the original landowner got the compensation, as has been averred by the respondents. The same had been done on the basis of the revenue record and now the petitioner cannot turn around and say that neither compensation has been awarded nor the possession has been taken, since it has been categorically averred in the reply that *Rapat Roznamcha* has already been entered.

5. Accordingly, in the absence of any twin violation having been pointed out, as per the judgment of the Constitutional Bench passed in **Indore Development Authority (supra)**, we do not find any reason that the acquisition proceedings are liable to be quashed or any further directions are

required to be issued. If the petitioner has any grouse, it is against the vendor, who had received the compensation. Resultantly, there is no merit in the present writ petition and same is hereby dismissed.

(G.S. SANDHAWALIA)
JUDGE

25.09.2024
Naveen

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No