

SECTION IV B

Listed on 17.03.2015

Court No. 12

IN THE SUPREME COURT OF INDIA Item No. 6  
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL)NOS. 8565-67  
OF 2011.

WITH PRAYER FOR INTERIM RELIEF

Gurcharan Singh & Ors. ....Petitioner(s)  
Versus  
State of Punjab & Ors ....Respondent(s)

OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 04.07.2014, when the Court was pleased to pass the following order:-

"Mr. Raju Ramachandran, learned senior counsel for the petitioners, sought to invoke Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the 2013 Act') and submitted that acquisition proceedings have lapsed.

Mr. Salil Sagar, learned senior counsel for respondent No.2 submits that acquisition in the present case was initiated and concluded under the Punjab Town Improvement Act, 1922.

Section 24 of the 2013 Act reads as under:-

"24. Land acquisition process under Act No.1 of 1894 shall be deemed to have lapsed in certain cases.-(1) Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (1 of 1894),-

a) Where no award under section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act

relating to the determination of compensation shall apply; or

b) Where an award under said section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.

(2) Notwithstanding anything contained in sub-section(1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (1 of 1894), where an award under the said section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act:

Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act."

A close reading of Section 24 makes it clear that land acquisition proceedings under Land Acquisition Act, 1894 (for short, 'the 1894 Act') are deemed to have lapsed in certain cases which are indicated in the provision. Since the acquisition of the subject land has taken place under the 1922 Act and not under the 1894 Act, Section 24 has no application at all.

The argument concerning Section 24 of the 2013 Act and lapsing of the acquisition proceedings has no merit and is overruled. The grounds raised in the special leave petitions in challenging the impugned judgment will be considered at the time of final disposal.

List the special leave petitions for final disposal on a non-miscellaneous day within six months."

It is submitted that there are four respondents. Mr. Jagjit Singh Chhabra and M/s K.J. John, Advocate has filed vakalatnama/memo of appearance on behalf of respondent nos. 1 and 2 respectively. M/s K.J. John and Co., Advocates have on 09.07.2011 filed Counter Affidavits on behalf of respondent no.2 and the same are included in the paper books, but no Counter Affidavit has been filed by the counsel for respondent no.1 so far.

It is further submitted that M/s K. J. John Advocates have on 25.04.2014 filed Counter Affidavit to the affidavit filed by the counsel for the petitioner on 11.03.2014, pursuant to Hon'ble Court's order dated 14.02.2014 and the same is included in the SLP Paper Books.

It is further submitted that respondent nos. 3 and 4 are served dasti service but no one has entered appearance on their behalf so far.

Service of show cause notice is complete.

The matters are listed before the Hon'ble Court with this office report.

Dated this the 16th day of March, 2015.

ASSISTANT REGISTRAR

Copy to :- Mr. Arun K. Sinha, Adv.  
M/s. K. J. John & Co., Adv.  
Mr. J. S. Chhabra, Adv.

ASSISTANT REGISTRAR

Haokip/chetan