

ITEM NO.43

COURT NO.1

SECTION IVB

S U P R E M E C O U R T O F
R E C O R D O F P R O C E E D I N G S

I N D I A

Petitions for Special Leave to Appeal (C) Nos. 8565-8567/2011

(Arising out of impugned final judgment and order dated 19/01/2011
in CWP 4272/2004 CWP 12439/2004 and CWP 15187/2004 passed by the
High Court Of Punjab & Haryana At Chandigarh)

GURCHARAN SINGH & ORS.

Petitioner(s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date : 04/07/2014 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MADAN B LOKUR
HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s)

Mr. Raju Ramachandran, Sr. Adv.
Mr. Arun K. Sinha ,Adv.
Mr. Ajay Marwah, Adv.
Mr. Sumit Sinha, Adv.
Mr. Rakesh Singh, Adv.

For Respondent(s)

Mr. Salil Sagar, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Meenakshi Chauhan, Adv.
For M/s. K. J. John & Co.Mr. Ajay Bansal, AAG
Mr. Gaurav Yadav, Adv.
Mr. Jagjit Singh Chhabra, Adv.UPON hearing the counsel the Court made the following
O R D E R

Signature Not Verified

Digitally signed by

NEETU KHAJURIA

Date: 2014.07.05

13:11:05 IST

Reason:

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

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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such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.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."

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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.

(Neetu Khajuria)
Sr.P.A.

(Renu Diwan)
Court Master