

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

**CWP No. 1990 of 2015
Date of decision: 30.7.2015**

Sita Ram and others

.....Petitioners

Vs.

The State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Vikas P.Singh, Advocate for the petitioners.
Mr. Sudeep Mahajan, Addl.A.G.Haryana.

Mr. Som Nath Saini, Advocate for HUDA in CWP No.1990 of 2015.

Mr.S.K.Mahajan, Advocate for HUDA in CWP No.2153 of 2015.

Ajay Kumar Mittal,J.

1. This order shall dispose of CWP Nos.1990 and 2153 of 2015 as the issue involved in both the petitions is identical. However, the facts are being extracted from CWP No.1990 of 2015.

2. In CWP No.1990 of 2015, the petitioners seek a direction to the State of Haryana to de-notify the land as per Section 24 of the Right to Fair

Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short, “the 2013 Act”) which was notified under Sections 4 and 6 of the Land Acquisition Act, 1894 (in short, “the 1894 Act”) on 15.6.2006 and 14.6.2007 respectively.

3. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The petitioners are owners in possession of land situated within the revenue estate of Village Palwal, Tehsil and District Palwal. It is located within the limits of Municipal council, Palwal. The land is being used for agricultural purposes. The State of Haryana issued notification dated 15.6.2006, Annexure P.10 under Section 4 of the 1894 Act for acquisition of land for a public purpose namely for the development and utilization as Transport Nagar for Sector 21, Palwal under the Haryana Urban Development Authority Act, 1977. Notification under Section 6 of the 1894 Act was issued on 14.6.2007, Annexure P.11. On 13.3.2008, the State of Haryana issued another notification under section 4 of the 1894 Act proposing to acquire land most of which had already been acquired under Section 4 notification dated 15.6.2006. The petitioners' land got covered under notifications dated 15.6.2006 and 13.3.2008. On 5.5.2008, the petitioners filed a Civil Writ Petition No.7782 of 2008 in this court for directing the respondents to quash the notifications under Sections 4 and 6 of the 1894 Act. The said writ petition was dismissed by this Court vide order dated 4.3.2014, Annexure P.12. According to the petitioners, the actual physical possession of the land in question is still with them. Thereafter, the petitioners filed a representation to the respondents that under Section 24(2) of the 2013 Act, acquisition proceedings under Section 6 of the 1894 Act have lapsed and

therefore, they are entitled to release of the land. Having received no response, the petitioners are before this Court through the present writ petition.

4. We have heard learned counsel for the parties.

5. It is the admitted position that the land of the petitioner was acquired in the year 2006 for a public purpose, namely, for the development and utilization as Transport Nagar for Sector 21 Palwal. The earlier writ petition filed by the petitioners challenging the same notifications being CWP No.7782 of 2008 was dismissed on 4.3.2014. The award was passed on 9.6.2009. The claim of the petitioners under Section 24(2) of the 2013 Act cannot be accepted as the award was announced on 9.6.2009. It would be expedient to refer to Section 24(2) of the 2013 Act, which is in the following terms:-

“24. (2) Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 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 plain reading of the aforesaid provision clearly spells out

that it is applicable in those cases where the award is announced five years or more prior to coming into force of 2013 Act. The award having been announced in the present case on 9.6.2009 does not satisfy the essential requirements of Section 24(2) of the 2013 Act. Learned counsel for the petitioners has not been able to substantiate that the petitioners have any claim under Section 24(2) of the 2013 Act. Consequently, finding no merit in the petitions, the same are hereby dismissed.

(Ajay Kumar Mittal)
Judge

July 30, 2015
'gs'

(Rekha Mittal)
Judge