

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

RA No.53 of 2015 (O&M) in
CWP No.21684 of 2014
Date of decision: September 23, 2015.

Balbir Singh

... **Petitioner**

v.

State of Haryana and others

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE HEMANT GUPTA**
HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Shri Kamal Sehgal, Advocate, for the applicant/petitioner.
Shri S.S. Pannu, Deputy Advocate General, Haryana.

Hemant Gupta, J. (oral)

Present application is for review of this Court's order passed on 27.10.2014 whereby the writ petition challenging the acquisition of land for widening of Sector dividing road between Sector 7 and 37, Rohtak as well as service road was dismissed.

The petitioner has sought review on the ground that the petitioner continues to be in possession of the land and, therefore, in terms of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the acquisition proceedings are deemed to be lapsed.

In reply, the stand of the respondents is that compensation of land measuring 276.72 acres amounting to Rs.62,98,83,072/- stands deposited. It is also pointed out that compensation has been disbursed to the petitioner vide cheque No.493209 dated 28.4.2008 and also annual annuity @ Rs.15,000/- per acre for the year 2008 and 2009. The reference under Section 18 of the Land Acquisition Act, 1894 also stands declined.

The petitioner has also sought a plot in the oustees quota, which claim has been verified and procedure regarding allotment of plot is under process.

The petitioner claims to be in possession of the land on the basis of khasra girdawri (Annexure P-10) from kharif crop till rabi crop of 2013 in respect of land measuring 8 kanal 3 marla. The land is described as *Thok*, which is not a cultivable land but wheat and jawar is shown to have been sown in kharif 2009.

We have heard learned Counsel for the parties and find no merit in the application for review.

Firstly, no such argument was raised when the writ petition was taken up for hearing on 27.10.2014. Even otherwise, not only the petitioner has received the compensation of the land but also annual annuity. The annual annuity is granted in terms of resettlement policy framed by the State Government for the reason that the land-owner is not in occupation of the land so as to provide financial assistance. Once the petitioner has withdrawn the annuity for the acquired land for the year 2008 and 2009 and received the compensation, it proves that the vacant possession is with the State.

In view of above, we do not find any error which may warrant interference.

Dismissed.

[Hemant Gupta]
Judge

[Raj Rahul Garg]
Judge

September 23, 2015.
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