

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM-5570-CWP-2016 in/and

CWP No.16211 of 2002

Date of Decision: 14.12.2016

Meenakshi Mehta

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

- | | |
|--|-----------------|
| 1. Whether speaking/reasoned? | Yes |
| 2. Whether reportable? | No |
| 3. Whether Reporters of local papers may be allowed to see the judgment? | Yes / No |
| 4. To be referred to the Reporters or not? | Yes / No |
| 5. Whether the judgment should be reported in the Digest? | Yes / No |

Present: Mr. GC Dhuriwala, Advocate for the petitioner

Mr. Ravi Dutt Sharma, DAG Haryana

SURYA KANT, J. (Oral)

(1) The land of the petitioner measuring 2 bigha 1 biswa comprising khasra No.41/2 and 41/3 situated within the revenue estate of village Chowki, District Panchkula was acquired vide award dated 30.07.2003. The petitioner has now filed Civil Misc. Application No.5570-CWP of 2016 seeking a declaration that the subject-acquisition is deemed to have lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, namely, that she is still in physical occupation of the acquired land/property and neither the compensation was paid nor deposited with the Reference Court as per Section 31(2) of the Land Acquisition Act, 1894.

(2) The Land Acquisition Collector, Urban Estate, Panchkula has filed the status report dated 14.12.2016 and in para 9, it is admitted that the compensation amount of the petitioner is lying deposited in the account of

the same. In other words, the compensation amount has not been deposited with the Reference Court under Section 31 of the 1894 Act.

(3) Similarly, it is admitted that dispossession of the petitioner was stayed by this Court on 18.10.2002 and the said stay order is still operative.

(4) In this view of the matter when both the ingredients of Section 24(2) of the 2013 Act are fully satisfied coupled with the detailed reasons assigned by this Court vide order dated 27.10.2016 rendered in **CWP No.17464 of 2007** titled as **Satnam Singh & Anr. vs. State of Haryana & Ors.**, the instant writ petition is allowed and the impugned acquisition is declared to have lapsed on both grounds as contained in Section 24(2) of 2013 Act.

(5) Having held so, we are further of the view that since Section 24(2) of 2013 Act itself in so many words contemplates the possibility of re-acquisition of the land/property in respect whereof the previous acquisition has lapsed, it is necessary to direct the petitioner to maintain *status quo* re: creation of third party rights; to keep the land/property free from all types of encumbrances and not to change the nature of land/property for a period of one year so that meanwhile the respondent-State may, if such property is needed for a “public purpose”, again acquire it. Such a direction is necessitated also for the reason that in numerous cases State or its agencies have taken possession in part and development works have been executed except over that land/property in litigation. Those development works ought to be completed in public interest and the only consequence of lapsing of previous acquisition, mostly due to fault of the Government Officers/ Officials, would be that the owners of such

land/property will be entitled to compensation and other benefits admissible under the 2013 Act.

(6) Ordered accordingly.

(Surya Kant)
Judge

14.12.2016
vishal shonkar

(Sudip Ahluwalia)
Judge