

**CM-13154-2016 in/and
CWP-15777-2004 (O&M)**

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

**CM-13154-2016 in/and
CWP-15777-2004 (O&M)
Date of Decision: December 01, 2016**

Rajyoga Education and Research Foundation

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

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

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Present: Mr.M.L.Sarin, Sr.Advocate with
Ms.Ankita Sambyal & Mr.Piush Aggarwal, Advocates
for the petitioner.

Ms.Palika Monga, DAG, Haryana.

Mr.Charanji Lal, Advocate for
Mr.Kamal Sehgal, Advocate
for the respondent-HSIIDC.

Mr.Munish Gupta, Advocate
for respondent No.5.

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SURYA KANT, J.

CM-13154-CWP-2014

Application is allowed as prayed for subject to all just
exceptions.

CWP-15777-2004

Petitioner-Society has laid challenge to the acquisition carried

revenue estate of village Nangal Khurd, Tehsil and District Sonapat.

During pendency of this writ petition, Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for brevity, 'the 2013 Act') has come into force w.e.f. 01.01.2014. Petitioner-Society has accordingly moved CM No.7300-2014 to declare that the impugned acquisition is deemed to have lapsed under Section 24(2) of the 2013 Act on the grounds that the petitioner is in continuous uninterrupted physical possession of the acquired land from the date of passing the Award till the 2013 Act came into force, i.e. more than five years, and no compensation amount has been paid to it or deposited with the Reference Court in accordance with Section 31 of the Land Acquisition Act, 1894 (for brevity, 'the 1894 Act').

The Land Acquisition Collector, Urban Estate, Rohtak has filed reply-affidavit dated 06.01.2016 and in para 3.2 thereof, it is admitted that the compensation amount has not been lifted by the petitioner and the same is still lying in the account maintained by the Land Acquisition Collector. In other words, it is conceded by the Land Acquisition Collector that the compensation amount, after it was not accepted by the petitioner, has not been deposited with the Reference Court in accordance with Section 31 of the 1894 Act.

Equally important is to notice that the dispossession of the petitioner was stayed by this Court on October 07, 2004. The stay order is still operative. Obviously, the petitioner has retained the possession of acquired land for a period of five years or more from the date of passing of the Award till the 2013 Act came into force w.e.f. 01.01.2014.

As a result of above discussion and for the detailed reasons

assigned by us in CWP No.17464 of 2007 (Satnam Singh and another vs The State of Haryana and others), decided on 27.10.2016, there can be no other conclusion but to hold that the impugned acquisition has lapsed on both the grounds mentioned in Section 24(2) of 2013 Act.

Ordered accordingly.

Having held so, we are surely of the view that since Section 24 (2) of 2013 Act itself, in so many words, contemplates the possibility of reacquisition of the land/property in respect whereof the previous acquisition has lapsed, it is necessary to direct the petitioners to maintain status quo re: creation of third party rights; to keep the land/property free from all types of incumbrances 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.

(SURYA KANT)
JUDGE

December 01, 2016
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(SUDIP AHLUWALIA)
JUDGE