

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CWP-10564-2007 (O&M)
Date of Decision: December 01, 2016

Bhoop Singh

.....Petitioner

Versus

The State of Haryana and others

.....Respondents

2. CWP-18387-2005 (O&M)

Mahender Kumar and others

.....Petitioners

Versus

The State of Haryana and another

.....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.Amit Jain, Advocate &
Mr.J.P.Ahlawat, Advocate for
Mr.N.D.Achint, Advocate
for the petitioners.

Ms.Palika Monga, DAG, Haryana.

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SURYA KANT, J.

This order shall dispose of the above captioned petitions as in both the cases the petitioners have challenged the acquisition of their respective land situated within the revenue estate of village Khanda, Tehsil & District Gurgaon.

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.

Learned State counsel on the basis of instructions states that the possession of the land is not with the HSIIDC and is still with the petitioners. There are houses and shops as well as a running factory at the site which are in possession of the petitioners. Further, they have not been paid compensation nor the same has been deposited with the Reference Court under Section 31 of the Land Acquisition Act, 1894. (for brevity, 'the 1894 Act').

Both the ingredients of Section 24(2) of the 2013 Act thus, are satisfied. 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 qua petitioners' land 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**

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |