

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

- [1] Civil Misc.No.15972 of 2016 in/and  
Civil Writ Petition No.15329 of 2007 (O&M).  
Date of Decision: December 19, 2016
- Smt.Bala and others . .....Petitioners  
versus  
State of Haryana and others .....Respondents
- [2] Civil Misc.No.15967 of 2016 in/and  
Civil Writ Petition No.15328 of 2007 (O&M).
- Mange Ram and others .....Petitioners  
versus  
State of Haryana and others .....Respondents
- [3] Civil Misc.No.15995 of 2016 in/and  
Civil Writ Petition No.15331 of 2007 (O&M).
- Ram Kanwar and others .....Petitioners  
versus  
State of Haryana and others .....Respondents
- [4] Civil Misc.No.15974 of 2016 in/and  
Civil Writ Petition No.15327 of 2007 (O&M).
- Dharampal and others .....Petitioners  
versus  
State of Haryana and others .....Respondents
- [5] Civil Misc.No.15966 of 2016 in/and  
Civil Writ Petition No.15335 of 2007 (O&M).
- Smt.Krishna and others .....Petitioners  
versus  
State of Haryana and others .....Respondents
- [6] Civil Misc.No.15994 of 2016 in/and  
Civil Writ Petition No.15336 of 2007 (O&M).
- Ghamandi and others .....Petitioners  
versus  
State of Haryana and others .....Respondents
- [7] Civil Misc.No.15976 of 2016 in/and  
Civil Writ Petition No.15332 of 2007 (O&M).
- Attar Singh and others .....Petitioners  
versus  
State of Haryana and others .....Respondents

[8] Civil Misc.No.15977 of 2016 in/and  
Civil Writ Petition No.15334 of 2007 (O&M).

Kartar Singh and others .....Petitioners  
versus  
State of Haryana and others .....Respondents

[9] Civil Misc.No.15975 of 2016 in/and  
Civil Writ Petition No.15330 of 2007 (O&M).

Ravinder Singh and others .....Petitioners  
versus  
State of Haryana and others .....Respondents

[10] Civil Misc.No.15973 of 2016 in/and  
Civil Writ Petition No.15333 of 2007 (O&M).

Dharampal and others .....Petitioners  
versus  
State of Haryana and others .....Respondents

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

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Present: Mr.Chetan Mittal, Senior Advocate, with  
Mr.Mohinder Singh Nain, Advocate,  
Mr.Sunil Bindlish, Advocate,  
Mr.Yogesh Dahiya, Advocate,  
Mr.Sanjay Vij, Advocate, for the petitioners.  
Ms.Palika Monga, Deputy Advocate General, Haryana.  
Mr.Rajesh Bansal, Advocate.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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**Surya Kant, J.** (Oral)

This common order shall dispose of the above-captioned writ-  
petitions as the point in issue involved therein is whether the acquisition of  
petitioners' land/property vide the Award dated 24.11.2004 is deemed to  
have lapsed under Section 24(2) of the Right to Fair Compensation and  
Transparency in Land Acquisition, Rehabilitation and Resettlement Act,  
2013 (for short, 'the 2013 Act')?

The petitioners seek the above-stated declaration on the ground that none of them has been paid compensation nor the compensation amount has been deposited with the Reference Court as per Section 31(2) of the Land Acquisition Act, 1894. They also claim physical possession of the acquired land for more than five years from the date of passing the Award till the new Act (2013 Act) came into force w.e.f. 01.01.2014.

Pursuant to the directions issued by this Court, the Land Acquisition Collector, Rohtak has filed the status-reports in all the cases. It is not necessary to refer the facts of each case and suffice it would be to mention that in para No.7 of the status report(s), the Land Acquisition Collector has admitted the fact that the petitioners have not lifted the compensation amount and the same is lying in his account separately maintained in the bank. He has thus candidly acknowledged that the compensation amount has not been deposited in the Reference Court under Section 31(2) of the Land Acquisition Act, 1894.

There appears to be substance in the petitioners' claim that physical possession of the acquired land is also with them as the Land Acquisition Collector has not produced any *panchnama* duly attested by an independent witness and/or any other proof to show that physical possession of the acquired land was ever handed-over to Haryana Urban Development Authority (HUDA), namely, the beneficiary department. The only averment made is that possession of the land was handed-over to HUDA on the date of passing of Award. It is a case of delivery of symbolic possession only. Otherwise also, dispossession of the petitioners was stayed by this Court and they have retained physical possession of the land by virtue of such stay order for more than five years from the date of passing the award till the

new Act came into force w.e.f. 01.01.2014.

In the light of the above-mentioned undisputed facts and for the detailed reasons assigned in the order dated 27.10.2016 passed in **CWP No.17464 of 2007 (Satnam Singh and another versus The State of Haryana and others)** and connected matters, the applications moved under Section 24 (2) of the 2013 Act as well as the writ-petitions are allowed and it is declared that acquisition of the petitioners' land vide Award dated 24.11.2004 is deemed to have lapsed.

It is, however, clarified that the instant writ-petitions have been filed at the instance of a private-builder on the basis of alleged General Power of Attorney executed by the petitioners (land-owners). Their learned counsel submits that such General Power of Attornies as well as sale-deeds executed in some of the cases are already under challenge in the civil suits. It is therefore clarified that the intant order declaring the impugned acquisition to have lapsed, is without prejudice to those pending civil suits, if any.

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 re-acquisition 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.

In view of the fact that acquisition has lapsed under Section 24 (2) of 2013 Act, it is not necessary to go into the merits of the case.

**[SURYA KANT]**  
**JUDGE**

December 19, 2016  
*mohinder*

**[SUDIP AHLUWALIA]**  
**JUDGE**

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|----------------------------------|----------|---------------|
| <b>Whether speaking/reasoned</b> | <b>:</b> | <b>Yes/No</b> |
| <b>Whether Reportable</b>        | <b>:</b> | <b>Yes/No</b> |