

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Misc.No.7895 of 2016 in/and  
Civil Writ Petition No.17896 of 2008 (O&M).  
Date of Decision: October 27, 2016

Pyare Lal 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.Sunish Bindlish, Advocate, for the petitioners.  
Ms.Palika Monga, Deputy Advocate General, Haryana.

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

Admittedly, the prayer in this application (Civil Misc.No.7895 of 2016) is to declare that the impugned acquisition carried out vide notifications dated 05.10.2005 and 06.10.2006 issued under Sections 4 & 6 followed by Award dated 17.10.2008 passed under the Land Acquisition Act, 1894 (since repealed), has lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. In the application, the petitioners have specifically averred that the physical possession of acquired land is with them and compensation has also not been paid to them.

[2] The Joint Secretary, Department of Industries and Commerce has filed his reply-affidavit dated 18.11.2015 to the said application, in which nowhere it is averred that any compensation amount has been paid to the petitioners or it was deposited with the Reference Court as per Section 31(2) of the 1894 Act. In para No.7 of the reply-affidavit, it is candidly admitted that this Court had granted stay against dispossession vide order dated 16.10.2008 which is still operative.

[3] In this view of the matter, both the ingredients of Section 24(2)

of 2013 Act, namely, non-payment of compensation as well as retention of possession of the acquired land for more than five years before the new Act of 2013 came into force w.e.f. 01.01.2014, are fulfilled. Consequently, the application as well as the main writ petition are allowed and the impugned acquisition is declared to have lapsed under Section 24(2) of 2013 Act.

[4] 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.

[SURYA KANT]  
JUDGE

October 27, 2016  
*mohinder*

[SUDIP AHLUWALIA]  
JUDGE

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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |