

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6884-2006 (O&M)

Date of Decision: December 01, 2016

Raj Pal

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

- | | | |
|----|---|---------|
| 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 |

.....

Present: Mr.Rajender Chokkar, Advocate
for the petitioner.
Ms.Palika Monga, DAG, Haryana.

.....

SURYA KANT, J.

Petitioner has laid challenge to the acquisition of his land situated within the revenue estate of village Narsinghpur, Tehsil and District Gurgaon, carried out vide Award No.2 dated 18.11.2005.

Admitted facts are that land of the petitioner is situated within *Abadi Deh* where he has constructed a house which is in his physical possession for more than five years from the date of passing of the Award till the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for brevity, 'the 2013 Act') came into force w.e.f. 01.01.2014. Similarly, he has not received the compensation amount so far and the said amount has not been deposited with the Reference Court also as Per Section 31(2) of the Land Acquisition Act, 1894.

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 conclusion but to hold that the impugned acquisition qua petitioner's land is deemed to have 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
meenuss

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned ?
2. Whether reportable ?

Yes/No
Yes/No