

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12561-2014 (O&M)

Date of Decision: December 01, 2016

Sandhu and sons and others

.....Petitioners

Versus

The 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.Salil Nayyar & Mr.Dhawal Ahluwalia, Advocates
for the petitioners.
Ms.Palika Monga, DAG, Haryana.
Mr.Rajvir Singh Sihag, Advocate
for HSIIDC.

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SURYA KANT, J.

Petitioners have laid challenge to the acquisition of their land situated within revenue estate of village Narsinghpur, Tehsil and District Gurgaon, fully described in para 2 of the petition, which was acquired vide Award dated 27.01.2006.

During pendency of the 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.

Petitioners contend that the said acquisition is deemed to have lapsed on both

the counts, namely, possession of the land is with them and compensation amount has been neither paid nor deposited in accordance with Section 31 of the Land Acquisition Act, 1894 (for brevity, 'the 1894 Act').

Respondents were directed to submit a fact finding report in respect of the contentions.

As per the information received by learned State counsel, Compensation amount though appears to have been deposited with the Reference Court firstly in the year 2008 and again in 2011, but fact of the matter is that physical possession of the acquired site is admittedly with the petitioners as they have raised structures including godown at the site, which are in their possession.

Since the petitioners have satisfied both the conditions contained in Section 24(2) of the 2013 Act, 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.

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 |