

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14863-2016

Date of Decision: November 30, 2016

Rajinder Singh

.....Petitioner

Versus

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.Naresh Kaushik, Advocate
for the petitioner.

Ms.Palika Monga, DAG, Haryana

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SURYA KANT, J.

Petitioners have questioned the acquisition of their land/property measuring 16 Kanal vide Award dated 02.03.2006, fully described in para 8 of the writ petition, on the ground that the same 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 brevity, 'the 2013 Act').

Land Acquisition Collector was filed the status report and in its paras 4 and 5 he has conceded that petitioners have not been paid the

compensation nor it was deposited in the Reference Court in accordance with law under Section 31 of the Land Acquisition Act, 1894. The compensation amount is still lying deposited in the account of Land Acquisition Collector. Similarly, possession of 16 Kanal land is also with the petitioners.

Since the petitioners have fully satisfied the ingredients of Section 24(2) of the 2013 Act, there can be no escape but to hold that the impugned acquisition qua petitioner's land is deemed to have lapsed.

For the detailed reasons assigned by us in CWP No.17464 of 2007 (**Satnam Singh and another vs State of Haryana and others**) decided on 27.10.2016, the writ petition is allowed and the impugned acquisition qua petitioner's land is declared to have lapsed.

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

November 30, 2016

(SUDIP AHLUWALIA)
JUDGE

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