

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14972-2016

Date of Decision: November 30, 2016

Ran Singh and another

.....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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| 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.Sandeep Sharma, Advocate
for the petitioners.

Ms.Palika Monga, DAG, Haryana.

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SURYA KANT, J.

Petitioners have questioned the acquisition of their land/property measuring 4 Kanal, bearing Khasra No.38//9/1, situated in village Kanhai, District Gurgaon, described in para 2(i) of the writ petition.

The acquisition was made vide Award dated 23.03.1993. Plea taken by the petitioners is that the impugned acquisition 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').

As regard to the compensation, the Land Acquisition Collector, Urban Estate, Gurgaon, in his status report has admitted in para 1(ii) that neither the compensation amount was received by the petitioners nor it was deposited

with the Reference Court in accordance with Section 31 of the Land Acquisition Act, 1894. In fact, it is admitted that amount is lying in the account of Land Acquisition Collector.

Possession of the land is also with the petitioners as they have constructed residential houses.

In the light of the above noticed undisputed facts, there can be no escape but to declare that the impugned acquisition qua petitioners' land/property is deemed to have lapsed under Section 24(2) of the 2013 Act.

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 petitioners' land is 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
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(SUDIP AHLUWALIA)
JUDGE

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