

CWP-15227-2016

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-15227-2016

Date of Decision: November 30, 2016

Dharampal 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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| 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: Ms.Anita Balyan, Advocate
for the petitioners.

Mr.R.D.Sharma, DAG, Haryana.

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SURYA KANT, J.

Petitioners have questioned the acquisition of their land measuring 2 Bigha comprised in khasra No.694 min situated within revenue estate of village Bahadurgarh, District Jhajjar. The above-stated piece of land was acquired vide Award dated 25.06.2004.

Case of the petitioner 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'). Neither the compensation amount was paid to petitioners nor it was deposited with the Reference Court as per Section 31 of the Land Acquisition Act, 1894 (for brevity, 'the 1894 Act').

They also claim physical possession of the land and rely upon the

photographs appended on record.

Land Acquisition Collector, Urban Estate, Rohtak, has filed the status report dated 19.11.2016 and in para 2.2 thereof he has acknowledged the fact that no compensation amount has been received by the petitioners and that it is still lying deposited in the account of Land Acquisition Collector. Obviously, it was not deposited with the Reference Court as per Section 31 of the 1894 Act.

As regard to physical possession also, no documentary proof of delivery of actual physical possession to the beneficiary department has been appended. Claim put forth by the petitioners appears to be more genuine.

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, we allow this writ petition and hold that the impugned acquisition has lapsed under Section 24(2) of 2013 Act.

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**

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 |