

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.15620 of 2016
Date of Decision: 30.11.2016

M/s International Manufacturers Ltd.

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

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

1. Whether speaking/reasoned?	Yes
2. Whether reportable?	No
3. Whether Reporters of local papers may be allowed to see the judgment?	Yes / No
4. To be referred to the Reporters or not?	Yes / No
5. Whether the judgment should be reported in the Digest?	Yes / No

Present: Mr. Shailendra Jain, Senior Advocate with
Ms. Rajni Paul, Advocate for the petitioner

Ms. Palika Monga, DAG Haryana
Mr. Ravi Dutt Sharma, DAG Haryana

SURYA KANT, J. (Oral)

(1) The petitioner has questioned the acquisition of its land fully described in para 3 of the writ petition which is situated within the revenue estate of Village Sultanpur, Tehsil and District Sonapat and was acquired vide award dated 05.11.1995, on the ground that the 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. It is averred that the possession of the acquired property is with the petitioner as may be seen from the photographs showing structures and compensation amount too has neither been paid to the petitioner nor deposited in the Reference Court in accordance with Section 31 of the Land Acquisition Act, 1894.

(2) The Land Acquisition Collector, Urban Estate, Rohtak has filed status report dated 18.10.2016 and para 2.2 thereof, it is admitted that the

petitioner has not received the compensation which is still lying deposited in the account of the Land Acquisition Collector. In other words, the amount has not been deposited in the Reference Court as per Section 31(2) of the 1894 Act.

(3) Similarly, it appears from the photographs on record that the site is still in possession of the petitioner as it has not been developed for the 'public purpose' for which it was acquired.

(4) That being the state of affairs and for the detailed reasons assigned by this Court vide order dated 27.10.2016 rendered in **CWP No.17464 of 2007** titled as **Satnam Singh & Anr. vs. State of Haryana & Ors.**, the instant writ petition is allowed and the impugned acquisition is declared to have lapsed on both grounds as contained in Section 24(2) of 2013 Act.

(5) Having held so, we are further 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 petitioner to maintain *status quo re*: creation of third party rights; to keep the land/property free from all types of encumbrances 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.

(6) Ordered accordingly.

(Surya Kant)
Judge

30.11.2016
vishal shonkar

(Sudip Ahluwalia)
Judge