

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.15994 of 2016

Date of Decision: 14.12.2016

Devinder Kumar

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

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| 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. SP Arora, Advocate for the petitioner

Mr. Ravi Dutt Sharma, DAG Haryana

SURYA KANT, J. (Oral)

(1) The petitioner purchased land measuring 200 sq.yards in village Gurgaon, District Gurgaon vide registered sale deed dated 04.02.1976. The plot was part of the acquisition made vide award dated 05.11.1981. He seeks a declaration that the said acquisition is deemed to have lapsed on both the grounds mentioned in Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(2) The Land Acquisition Collector, Urban Estate, Gurgaon has filed status report dated 13.12.2016 in which he has made misleading averments that the petitioner has no concern with the acquired land merely as the mutation was not sanctioned in his favour at the time of issuance of Section 4 notification. Mutation does not confer any title which the petitioner acquired by virtue of registered sale deed.

(3) As regard to compensation, it is admitted that it was not paid to the petitioner and the same is still lying deposited in the account of Land Acquisition Collector. In other words, the compensation amount was not deposited with the

Reference Court as per Section 31(2) of the Land Acquisition Act, 1894. That being so, the ingredients of Section 24(2) of the 2013 Act are fully satisfied.

(4) 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

14.12.2016
vishal shonkar

(Sudip Ahluwalia)
Judge