

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-16278-2016

Date of Decision: December 19, 2016

M/s National Woolen & Finishers

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

- | | | |
|----|---|---------|
| 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 |

.....

Present: Mr.Sanjeev Kumar, Advocate for
Mr.Sourabh Goel, Advocate
for the petitioner.

Mr.RKS Brar, Addl.AG, Haryana.

.....

SURYA KANT, J.

Petitioner is a sole proprietorship firm. It has filed the instant writ petition seeking declaration to the effect that the acquisition vide Award dated 28.02.1996, of its land fully described in para 3 of the writ petition and situated in the revenue estate of village Nizampur, Tehsil and District Panipat, 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').

[2] The plea taken is that the physical possession of site is still with the petitioner and no compensation amount has been received by it nor the respondents have deposited the same with the Reference Court as per

Section 31(2) of the Land Acquisition Act, 1894 (for brevity, 'the 1894 Act').

[3] Land Acquisition Collector, Urban Estate, Rohtak has filed his status report and in para 3 it is candidly admitted that the petitioner has not received the compensation. It is nowhere averred that the compensation amount was ever deposited with the Reference Court as per Section 31(2) of the 1894 Act. Similarly, it is acknowledged that the petitioner had earlier filed CWP No.2935 of 1996 in which status quo regarding possession was directed to be maintained on 27.02.1996. The said writ petition was disposed of on 14.07.2015. In this manner, the petitioner continued to retain physical possession of the acquired site for a period of more than five years from the date of Award till the new Act came into force on 01.01.2014.

[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 and anr. vs. State of Haryana and ors.**, the instant writ petition is allowed and the impugned acquisition is declared to have lapsed on the grounds as contained in Section 24(2) of the 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 directed 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

December 19, 2016
meenuss

(SUDIP AHLUWALIA)
JUDGE

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