

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.16736 of 2016
Date of Decision: 30.11.2016

Daya Nand & Ors.

... Petitioners

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. Vikram Punia, Advocate for the petitioners

Ms. Palika Monga, DAG Haryana

Mr. Ravi Dutt Sharma, DAG Haryana

SURYA KANT, J. (Oral)

(1) The petitioners are residents of village Liwaspur, Tehsil and District Sonapat. They have questioned the acquisition of their land described in para 2 of the writ petition measuring 5 kanal situated within the revenue estate of their village made vide award dated 01.05.1987. The petitioners' case is that the acquisition is deemed to have lapsed on both grounds as contained in Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, namely, possession of the acquired property is with them and compensation amount has been neither paid to them nor deposited in the Reference Court as per Section 31(2) of the Land Acquisition Act, 1894.

(2) It is the conceded position that neither the amount of compensation was paid to the petitioners nor deposited with the Court under Section 31(2) of the 1894 Act. It is undeniable that the petitioners earlier

03.06.1987 ordered that the petitioners be not dispossessed. The writ petition was, however, dismissed on 03.02.2009 and thereafter no action to dispossess the petitioners was taken. It is alleged that as on date, the physical possession of the acquired property is with the petitioners.

(3) Despite ample opportunities granted to the respondents, no reply/status report to rebut the above-stated stand of the petitioners has been filed. The averments are thus deemed to have been admitted.

(4) That being the state of affairs, there can be no escape but to hold that the ingredients of Section 24(2) of the 2013 Act are fully satisfied. In this view of the matter 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 petitioners 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