

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.17513 of 2016
Date of Decision: 01.12.2016

Vinod Kumar & 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. Ravindra Jain, 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 Gobindpura, Tehsil Jagadhri, District Yamuna Nagar. They seek a declaration that the acquisition of their land/plots with shop set mentioned in para 2 of the writ petition made vide award dated 26.02.2004 is deemed to have lapsed in view Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 on both the grounds, namely, physical possession of the acquired property continues with them and neither they received the compensation nor the same has been deposited in Reference Court under Section 31(2) of the Land Acquisition Act, 1894.

(2) The Land Acquisition Collector, Urban Estates, Gurgaon has filed status report dated 11.11.2016 and in para 6 thereof, it is admitted that the petitioners have not given consent to receive the compensation amount and as such neither it was paid to them nor it has been deposited in the

there is overwhelming material on record comprising entries in jamabandi as well as photographs to suggest that the shops have been constructed which are in physical possession of the petitioners. Thus both the ingredients of Section 24(2) of the 2013 Act stand satisfied.

(3) 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 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.

(4) 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.

(5) Ordered accordingly.

(Surya Kant)
Judge

01.12.2016
vishal shonkar

(Sudip Ahluwalia)
Judge