

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.17735 of 2016
Date of Decision: 01.12.2016

Nishan Singh

... 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. Pankaj Midha, Advocate for the petitioner

Mr. RKS Brar, Addl. AG Haryana
Mr. Ravi Dutt Sharma, DAG Haryana

Mr. Rajesh Sheoran, Advocate for respondent No.5

SURYA KANT, J. (Oral)

(1) The petitioner has questioned the acquisition of his land measuring 2 bigha 5 biswa situated within the revenue estate of village Patti Insar, District Panipat which was acquired vide award dated 21.02.1992. The petitioner's case is that the above-stated acquisition 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, that physical possession of the site is still with him and compensation amount has neither been paid nor deposited in the Reference Court under Section 31(2) of the Land Acquisition Act, 1894.

(2) The Land Acquisition Collector, Urban Estate, Rohtak has filed his status report dated 18.11.2016 and in para 3, it is admitted that the petitioner has not received the compensation and the same is lying deposited

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

(3) As regard to physical possession, there can hardly be any quarrel that the petitioner has constructed A-class residential house as is evident from the photographs (P4) which is in his possession.

(4) There can thus be no escape but to hold that the ingredients of Section 24(2) of the 2013 Act are satisfied.

(5) For the reasons afore-stated read with 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.

(6) 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.

(7) Ordered accordingly.

(Surya Kant)
Judge

01.12.2016
vishal shonkar

(Sudip Ahluwalia)
Judge