

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.22038 of 2013 (O&M)

Date of Decision: 14.12.2016

Rajbir Singh & Anr.

... 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. Shailendra Jain, Senior Advocate with
Mr. Sahil Nayyar, Advocate for the petitioners

Mr. Ravi Dutt Sharma, DAG Haryana

SURYA KANT, J. (Oral)

(1) The land of the petitioners measuring 271 kanal 16 marla fully described in para 2 of the writ petition, situated within the revenue estate of village Umri, Tehsil Thanesar, District Kurukshetra was acquired vide award date 28.10.2005. The petitioners have filed an additional affidavit with CM-2991-CWP-2014 in which they seek declaration that the above-stated 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 as not only the possession of acquired land is still with them but the compensation amount has also been neither paid to them nor deposited with the Reference Court as per Section 31(2) of the Land Acquisition Act, 1894.

(2) The Land Acquisition Collector, Urban Estate, Panchkula has filed his status report in which it is admitted that the petitioners did not

give consent receive the compensation which is still lying deposited with the Land Acquisition Collector. In other words, it has not been deposited with the Reference Court on or before 01.01.2014 as per Section 31(2) of the Land Acquisition Act, 1894.

(3) As regard to possession, there is a serious dispute between the parties but keeping in view the fact that the compensation amount has not been paid or deposited with the Reference Court as per Section 31(2) of the 1894 Act, 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.

(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

14.12.2016
vishal shonkar

(Sudip Ahluwalia)
Judge