

**HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

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**CWP No.18258 of 2016**  
**Date of Decision: 14.12.2016**

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Anita Kumari Sharma

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

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

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|--------------------------------------------------------------------------|-----------------|
| 1. Whether speaking/reasoned?                                            | <b>Yes</b>      |
| 2. Whether reportable?                                                   | <b>No</b>       |
| 3. Whether Reporters of local papers may be allowed to see the judgment? | <b>Yes / No</b> |
| 4. To be referred to the Reporters or not?                               | <b>Yes / No</b> |
| 5. Whether the judgment should be reported in the Digest?                | <b>Yes / No</b> |

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Present: Mr. Arun Jain, Senior Advocate with  
Mr. Amit Jain, Advocate for the petitioner

Mr. Ravi Dutt Sharma, DAG Haryana

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**SURYA KANT, J. (Oral)**

(1) The land of the petitioner measuring 88 kanal 17 marla fully described in para 2 of the writ petition and situated within the revenue estate of villages Kheri Markanda, Ratgal and Dara Kalan, Tehsil Thanesar, District Kurukshetra was acquired vide award dated 21.02.2006. The petitioner now seeks a declaration that the said acquisition is deemed to have lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, namely, that he is still in physical occupation of the acquired land/property and that neither the compensation was paid nor deposited as per Section 31(2) of the Land Acquisition Act, 1894.

(2) The Land Acquisition Collector, Urban Estate, Panchkula has filed the status report dt. 14.12.2016 and in para 5, it is admitted that 77% of compensation amount is yet to be disbursed to the landowners. As regard to

receive the same. No averment has been made to the effect that the said amount was ever deposited with the Reference Court under Section 31 of the 1894 Act. Similarly, the physical possession of the land appears to be with the petitioner for the status report refers to only delivery of 'symbolic possession' only on the date of award. That being so, both the ingredients of Section 24(2) of the 2013 Act are fully satisfied.

(3) 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 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.

(5) Ordered accordingly.

**(Surya Kant)**  
**Judge**

**14.12.2016**  
*vishal shonkar*

**(Sudip Ahluwalia)**  
**Judge**