

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.18547 of 2016
Date of Decision: 12.12.2016

Shri Ram

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

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

- | | |
|--|-----------------|
| 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. Sandeep Sharma, Advocate for the petitioner

Ms. Palika Monga, DAG Haryana

SURYA KANT, J. (Oral)

(1) The land of the petitioner measuring 2 kanal 2 marla out of total 36 kanal 18 marla situated within the revenue estate of Dhaliawas, District Rewari has been acquired vide award dated 20.01.2006. The petitioner asserts that the acquisition is deemed to have lapsed on both the grounds mandated in Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, namely, that he is in physical occupation of the site where he has constructed a residential house and is residing with his family and that the authorities have failed to deposit the compensation amount in the Reference Court under Section 31(2) of the Land Acquisition Act, 1894.

(2) The Land Acquisition Collector, Urban Estate, Panchkula has filed his status report dated 25.10.2016 wherein it is admitted that the compensation amount payable to the petitioner is still lying deposited in the account of Land Acquisition Collector as he did not give consent to receive

the same. In other words, the compensation amount has not been deposited with the Reference Court as per Section 31(2) of the 1894 Act.

(3) As regard to physical possession, it is averred in para 1(i) that the possession of the acquired land was handed over to HUDA on the date of award i.e. 20.01.2006. Obviously, only symbolic possession was delivered. The respondents in para 1(iv) have urged that in compliance to the directions passed by this Court in CWP No.7198 of 2014, land measuring 520 sq.yard along with proportionate vacant area has since been released in favour of the petitioner on 09.09.2014. Nevertheless, since the petitioner has made out a case under Section 24(2) of the 2013 Act, there can be no escape but to hold that the impugned acquisition has lapsed.

(4) 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.

(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

12.12.2016
vishal shonkar

(Sudip Ahluwalia)
Judge