

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19221 of 2016
Date of Decision: 14.12.2016

Jaibir Singh & 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. Sandeep Sharma, Advocate for the petitioners
Mr. Ravi Dutt Sharma, DAG Haryana

SURYA KANT, J. (Oral)

(1) The land of the petitioners measuring 2 bigha fully described in para 2 of the writ petition, situated within the revenue estate of village Khandsa, District Gurgaon was acquired vide award dated 26.03.1992 (P14).

The petitioners have now questioned the acquisition on the ground that the same 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. It is the case of the petitioners that there exists a residential house on the acquired site which is in their possession. It is further averred that neither the compensation amount was paid nor the same deposited with the Reference Court as per Section 31(2) of the Land Acquisition Act, 1894.

(2) The Land Acquisition Collector, Urban Estate, Gurgaon has filed status report dated 13.12.2016 and in para 1(ii) & (iii), it is admitted that the petitioners refused to receive the compensation which is still lying

it has not been deposited with the Reference Court under Section 31 of the Land Acquisition Act, 1894.

(3) So far as possession is concerned, there is ample material on record including photographs to show that the petitioners are in occupation of the residential house at the site . That being so, the ingredients of Section 24(2) of the 2013 Act are fully satisfied.

(4) 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.

(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

14.12.2016
vishal shonkar

(Sudip Ahluwalia)
Judge