

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19381 of 2016
Date of Decision: 01.12.2016

Smt. Savitri Devi & 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. Satyapal Khatri, Advocate for the petitioners

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

SURYA KANT, J. (Oral)

(1) The petitioners have questioned the acquisition of their land measuring 3 bigha 16 biswa (according to the respondents the area is 455 sq.yards) situated within the revenue estate of Village Patti Musalmanan, District Sonapat. The above-stated land was acquired vide award dated 12.05.1993. The petitioners assert that the 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, namely, the physical possession of the site is still with them and the respondents have neither paid them compensation nor have deposited the same 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 27.11.2016 and in para 2.3 thereof, it is admitted that

the petitioners have not received the compensation amount. It is claimed

that the petitioners never informed to enable the respondents to deposit the said amount with the Reference Court. There is thus a candid admission that 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, the petitioners have placed on record the revenue entries showing them in physical possession of the acquired land. There is no material produced by the respondents to suggest that the petitioners were ever dispossessed from the acquired land. That being so, the ingredients of Section 24(2) of the 2013 Act are fully satisfied.

(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 contained in Section 24(2) of 2013 Act.

(5) If the petitioners have been allotted any plot under the R&R policy/Oustee policy of the State Government in lieu of the acquired land, it is directed that the same shall be returned by them and if any allotment price has been paid, the authorities would refund the same.

(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 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.

(7) Ordered accordingly.

(Surya Kant)
Judge

01.12.2016
vishal shonkar

(Sudip Ahluwalia)
Judge