

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19545 of 2016
Date of Decision: 01.12.2016

Sham Lal & Anr.
... Petitioners

VS.

State of Haryana & Ors.
... Respondents

CWP No.19546 of 2016

Bhupinder Singh & Ors.
... Petitioners

VS.

State of Haryana & Ors.
... Respondents

CWP No.19547 of 2016

Nand Lal & Ors.
... Petitioners

VS.

State of Haryana & Ors.
... Respondents

CWP No.19548 of 2016

Sawan Singh
... 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. NC Kinra, Advocate for the petitioners

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

SURYA KANT, J. (Oral)

(1) This order shall dispose of the above-captioned writ petitions as there is commonality of facts and point in issue is the same. For the purpose of adjudication, the facts are being extracted from the lead case i.e. CWP

(2) The petitioners seek a declaration that the acquisition of their land fully described in para 2 of the writ petition situated within the revenue estate of village Taraf Afghan, Tehsil Panipat, District Panipat is deemed to have lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. According to them the acquired land is still in their physical possession and compensation amount has neither been paid nor deposited in the Reference Court as per Section 31(2) of the Land Acquisition Act, 1894.

(3) The Land Acquisition Collector, Urban Estate, Rohtak has filed his written statement dated 28.11.2016 and in para 3, it is admitted that the petitioners have not lifted the compensation amount till date which is still lying deposited in the account of the Land Acquisition Collector. Obviously, the same has not been deposited in the Reference Court as is required under Section 31(2) of the 1894 Act.

(4) As regard to possession, the petitioners have constructed residential house. In fact in one of the case, the petitioners were served with a notice for demolition of the house against which they have initiated separate proceedings. Obviously, only symbolic possession was declined and physical possession of the petitioners at the site is undisputed.

(5) That being the state of affairs, both the ingredients of Section 24(2) of the 2013 Act are made out.

(6) In this view of the matter and 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.

(7) 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.

(8) Ordered accordingly.

(Surya Kant)
Judge

01.12.2016
vishal shonkar

(Sudip Ahluwalia)
Judge