

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19842 of 2016
Date of Decision: 01.12.2016

Ashok Kumar & Anr.

... Petitioners

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. Ashish Aggarwal, Senior Advocate with
Mr. Manvender Chauhan, 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 10 kanal 17 marla fully described in para 2 of the writ petition situated within the revenue estate of village Sarai Bachhra, District Panipat made vide awards dated 07.05.1992 and 12.11.1994. They seek a declaration to the effect that the above-stated acquisition 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 on both counts, namely, that the acquired land is still in their physical possession and compensation amount has neither been paid to them nor deposited in the Reference Court as per Section 31(2) of the Land Acquisition Act, 1894.

(2) The Land Acquisition Collector, Urban Estate, Rohtak has filed his status report dated 19.11.2016 today which is taken on record. In para 3 of the status report, it is admitted that the compensation amount was not received by the petitioners and the same is still lying deposited in the

account of the Land Acquisition Collector. 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, the petitioners run a petrol pump on the adjoining site which has been exempted from acquisition. The vacant land is being used for parking etc. and the physical possession of the acquired site still appears to be with them.

(4) That being so 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.

(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

01.12.2016
vishal shonkar

(Sudip Ahluwalia)
Judge