

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-20217-2016

Date of Decision: December 14, 2016

Santosh Kumari

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

- | | | |
|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

.....

Present: Mr.Harkesh Manuja, Advocate
for the petitioner.

Mr.R.D.Sharma, DAG, Haryana.

.....

SURYA KANT, J.

The petitioner's land measuring 12M, fully described in para 3 of the writ petition, situated in the revenue estate of village Patti Insar, Tehsil and District Panipat, was acquired vide Award dated 21.02.1992. The petitioner has now challenged the acquisition on the ground that the same shall be deemed to have lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for brevity, 'the 2013 Act').

[2] The Land Acquisition Collector, Urban Estate, Rohtak, has filed his status report dated 08.12.2016 and in para 3 thereof it is admitted that petitioner has not received the compensation amount, which is still lying deposited in the account of Land Acquisition Collector. In other words, the compensation amount has not been deposited in the Reference Court as per Section 31(2) of the Land Acquisition Act, 1894 (for brevity, 'the 1894 Act').

[3] Though the question of possession appears to be debatable but having regard to the fact that the petitioner has not received the compensation amount nor the

same was desposited as per Section 31(2) of the 1894 Act with the Reference Court, the impugned acquisition is deemed to have lapsed.

[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 and anr. vs. State of Haryana and ors., the instant writ petition is allowed and the impugned acquisition is declared to have lapsed on the grounds as contained in Section 24(2) of the 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 petitioner 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 directed 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

December 14, 2016
meenuss

(SUDIP AHLUWALIA)
JUDGE