

CM-11854-2016 in/and
CWP-21225-2015 (O&M)

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HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-11854-2016 in/and
CWP-21225-2015 (O&M)
Date of Decision: December 20, 2016

Partap Singh and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

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

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|----|---|---------|
| 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 |

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Present: Mr.Sandeep Sharma, Advocate
for the petitioners.

Mr.RKS Brar, Addl.AG,Haryana.

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SURYA KANT, J.

CM-11854-2016

For the reasons mentioned in the application, the same is
allowed. Main case is taken up today for hearing.

CM stands disposed of.

CWP-21225-2015

Petitioners seeks a declaration to the effect that acquisition of
their land measuring 3K 7M situated in the revenue estate of village Jatauli,
Tehsil Pataudi, District Gurgaon, fully described in para 3 of the writ
petition acquired vide Award dated 21.07.2008 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 (for brevity, 'the 2013 Act').

[2] The Special Secretary, Government of Haryana, Agriculture and Farmers Welfare Department, has filed the written statement in which it is averred that possession of the acquired land was handed over to the Market Committee, Pataudi and that some construction work at the site has also started. There appears to be some substance in the plea that physical possession of the land has been handed over to the Market Committee on 19.05.2011. However para 6 of the written statement reads as follows:

“6. That the order dated 27.08.2015 has comprehensively dealt with issue of payment of compensation to the petitioners. It is clearly mentioned in the said order that the compensation has been deposited in the Court of Ld.Addl.District & Session Judge, Gurgaon vide cheque No.092080 dated 29.04.2014.”

[3] It is, thus, candidly admitted that the petitioners did not give their consent to receive the compensation amount which has been deposited with the Reference Court on 29.04.2014, i.e. much after the 2013 Act came into force on 01.01.2014. Deposit of compensation after 01.01.2014 is inconsequential and cannot take away the right accrued in favour of the petitioners, as has been explained in detail in **CWP No.17464 of 2007** titled as **Satnam Singh & Anr. Vs State of Haryana and Ors**, decided on 27.10.2016.

[4] For the detailed reasons assigned by this Court vide order dated 27.10.2016 rendered in **Satnam Singh's** case (supra), the instant writ petition is allowed and the impugned acquisition is declared to have lapsed

due to non -payment of compensation amount to the petitioners and/or failure of the authorities to deposit the said compensation amount with the Reference Court before 01.01.2014.

[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 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 20, 2016
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**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned ?
2. Whether reportable ?

Yes/No
Yes/No