

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1.

CWP-20916-2016
Date of Decision: December 14, 2016

Surekha Rani

Versus

State of Haryana and others

.....Petitioner

.....Respondents
2.

CWP-20948-2016

Bimla Devi and another

Versus

State of Haryana and others

.....Petitioners

.....Respondents
3.

CWP-21143-2016

Subhash Chand and others

Versus

State of Haryana and others

.....Petitioners

.....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
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Present: Mr.Gaurav Singla, Advocate for
Mr.Sanjiv Gupta, Advocate
for the petitioners.

Mr.RKS Brar, Addl.AG, Haryana.

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SURYA KANT, J.

This order shall dispose of the above-captioned writ petitions since the stand taken by the parties are identical in all the cases. The facts are being extracted from CWP-20916-2016.

(2) The petitioner's land measuring 6K-18M, fully described in para 2 of the

writ petition, situated in the revenue estate of village Khairpur, Tehsil and District Sirsa, was acquired vide Award dated 27.11.2007. 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').

[3] The Land Acquisition Collector, Urban Estate Deptt, Haryana, Hisar, has filed his status report dated 25.10.2016, para 4 whereof reads as follows:

“That as regards the total payment of compensation, it is submitted that the same was tendered by the Land Acquisition Collector to the landowners at the time of announcement of the Award. The compensation amount qua the acquired land measuring 49.02 acres comes to Rs.12,08,07,750, out of which the amount of Rs.3,32,60,126/- has been disbursed to the land owners and Rs.2,00,76,860/- has been deposited in the Hon'ble Court alongwith reference under Section 30/31 of the Act and the balance amount has been deposited in account No.1183005900000034 of Punjab National Bank, Mani Majra (Chandigarh). However, the petitioner has not received her compensation for the land in question intentionally. She is at liberty to complete the necessary formalities and can receive the compensation amount.”

[4] It may be seen from the above reproduced averments that the petitioner has not received any compensation nor she gave consent to accept the same. As regard to the deposit of the compensation amount with the Reference Court under Section 31(2) of the 1894 Act is concerned, neither the date of such deposit has been disclosed nor the entire amount of compensation has been admittedly deposited. The Land Acquisition Collector himself has admitted that compensation is more than Rs.12 crore, out of which Rs.3,32,60,126/- crors has been disbursed and only Rs.2,00,76,860/- were deposited in the Court. The affidavit is conspicuously silent with regard to

deposit of the balance compensation amount. That being so, it cannot be taken as a valid tender of compensation amount. The petitioner, has thus, satisfied the

ingredients of Section 24(2) of the 2013 Act.

[5] 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 and anr. vs. State of Haryana and ors., the instant writ petitions are allowed and the impugned acquisition is declared to have lapsed on the grounds as contained in Section 24(2) of the 2013 Act.

[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 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.

[7] Ordered accordingly.

(SURYA KANT)
JUDGE

December 14, 2016
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(SUDIP AHLUWALIA)
JUDGE