

CWP-23319-2014

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-23319-2014

Date of Decision: November 23, 2016

Yashi Buildcon Pvt.Ltd.

.....Petitioner

Versus

The 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.Adarsh Jain, Advocate
for the petitioner.

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

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SURYA KANT, J.

Petitioner has laid challenge to the Notifications dated 27.11.2003 and 24.11.2004 as well as the Award dated 09.07.2007 to the extent of acquisition of its land situated within the revenue estate of Fazilpur Jharsa, Tehsil and District Gurgaon. While questioning the acquisition, the petitioner seeks a declaration 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 (for brevity, 'the 2013 Act'). The order dated 19.07.2014 vide which claim of the petitioner under Section 24(2) of the 2013 Act was rejected, is also assailed.

It is undeniable that the petitioner has neither been paid nor

offered the compensation amount in accordance with Section 31 of the Land Acquisition Act, 1894. As regard to the possession, though the authorities claim that it was handed over to HUDA at the time of passing of the Award, petitioner has asserted it to be a case of delivery of symbolic possession only as physical possession still continues with the petitioner. Entries in the revenue record are relied upon to substantiate the claim of physical possession.

Having heard learned counsel for the parties and keeping in view the fact that compensation amount has not been paid to the petitioner or deposited with the Reference Court in accordance with law, we are of the considered view that for the reasons assigned by us in CWP No.17464-2007 (**Satnam Singh and another vs The State of Haryana and others**) decided on October 27, 2016, the impugned acquisition is deemed to have lapsed.

Ordered accordingly.

Having held so, we are surely of the view that since Section 24 (2) of 2013 Act itself, in so many words, contemplates the possibility of reacquisition 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 incumbrances 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.

**(SURYA KANT)
JUDGE**

November 23, 2016
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**(SUDIP AHLUWALIA)
JUDGE**

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |