

**CM-9536-2016 in/and
CWP-23581-2014**

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

**CM-9536-2016 in/and
CWP-23581-2014**

Date of Decision: December 20, 2016

Om Pal 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.R.D.Sharma, DAG, Haryana
Mr.Anil Chawla, Advocate for HUDA.

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SURYA KANT, J.

CM-9536-2016

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

CM stands disposed of.

CWP-23581-2014

The petitioners seek a declaration that the acquisition of their
land measuring 2K, fully described in para 6 of the writ petition, situated in
the revenue estate of village Tigra, Tehsil and District Gurgaon, which was
acquired vide Award dated 21.07.2003 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 Land Acquisition Collector, Urban Estate, Gurgaon, in the written statement dated 12.02.2015 has admitted the fact that compensation amount was not paid to the petitioners because they did not provide their consent in writing and that the undisbursed amount “*is lying deposited in the account of the LAC.....*”

[3] It, thus, stands admitted that the compensation amount was not deposited with the Reference Court as per Section 31(2) of the 1894 Act before 01.01.2014 i.e. when the 2013 Act came into force.

[4] The petitioners' plea regarding physical possession also stands substantiated as photographs on record reveal that there are their residential houses at the site. The respondents are referring to delivery of only symbolic possession at the time of passing the Award. In fact in para 3 of the reply on merits, the corresponding averments made by the petitioners have been admitted. In para 3 of the writ petition the petitioners have specifically averred that they have constructed their respective houses more than 10 years prior to issuance of Section 4 notification and all of them in physical possession of those houses.

[5] Both the ingredients of Section 24(2) of the 2013 Act thus indisputably stand proved. 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 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.

[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 20, 2016
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(SUDIP AHLUWALIA)
JUDGE