

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.25701 of 2015 (O&M)

Date of Decision: 14.12.2016

Ravinder & Ors.

... Petitioners

VS.

State of Haryana & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

- | | |
|--|-----------------|
| 1. Whether speaking/reasoned? | Yes |
| 2. Whether reportable? | No |
| 3. Whether Reporters of local papers may be allowed to see the judgment? | Yes / No |
| 4. To be referred to the Reporters or not? | Yes / No |
| 5. Whether the judgment should be reported in the Digest? | Yes / No |

Present: Mr. Vikram Singh, Advocate for the petitioners

Ms. Palika Monga, DAG Haryana

SURYA KANT, J. (Oral)

(1) The petitioners' land described in para 2 of the writ petition situated within the revenue estate of village Faridpur, Tehsil and District Panipat was acquired vide award dated 30.03.2001. They seek a declaration that the acquisition is deemed to have lapsed for non-compliance of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(2) The Land Acquisition Collector, Urban Estate, Rohtak has filed the status report-cum-affidavit and it will be useful to reproduce its paragraphs 3, 4&5 which are to the following effect:-

“3. The total amount of compensation of awarded land measuring 35.90 acres worked out to Rs.2,95,51,332/-. Out of the total compensation amount, the LAC had already disbursed an amount of Rs.2,95,51,332/- to the landowners, which constitutes 100% of the total Award amount. It is relevant to mention here that all petitioners

have taken their compensation amount including the compensation of trees and structures also on 12.10.2004.

4. xxxx xxxx xxxx

5. That to achieve the notified public purpose, planning of the acquired land has already been finalized by the Haryana Urban Development Authority. The layout plan of Sector 7-8, Panipat was approved on dated 01/04/2002 vide Drg.No.DTP/PN/219/2002 dated 23/01/2002 of residential & commercial. Subsequently, plots were floated (applications were invited from the general public to allot plot through draw of lot) by HUDA in 1993 & 2002. In these sectors, HUDA has carved 1511 residential plots, out of which 1431 plots already stand allotted. Among the allotted plots, approximately 287 houses have been constructed and 215 houses have already been occupied. Further, it is submitted that as per layout plan of the area, the acquired land of the petitioners is earmarked for 3 no. Road, 50 mtr green belt with service road, 17 no.plots of 1 kanal for Sector-6-7-8, Panipat and as per the report received from Estate Officer HUDA Panipat. It is submitted that the possession of the land in Khasra No.16//6/2, 7/2, 8/2, 12/2, 13, 14, 15, 16, 17/1 total land 34 kanal 13 marla is lying with HUDA as Plot NO.574 to 627 (6 marla), 628 to 651 (1 kanal), 652 to 679 (10 marla) and primary school site (not allotted). Mutation entered in favour of HUDA. Copy of the layout plan is attached herewith as Annexure R-1.”

(emphasis applied)

(3) It is the conceded position that the petitioners have received the compensation of almost ₹ 3 crores for the acquired property besides enhanced compensation under Section 18 of the 1894 Act. It may further be

seen that 100% compensation amount has been disbursed.

(4) As regard to plea of physical possession, the petitioners rely upon some photographs to claim that a godown is in existence or that some business activities are being undertaken at the site. No document regarding payment of any tax, registration of the firm or the industry with any department or electricity bill or any documentary proof whatsoever has been appended. On the other hand, the Land Acquisition Collector has categorically averred that possession was taken; plots have been carved out; allotments have been made and several houses have also been constructed.

(5) The site has thus already been developed. The layout plan of Sector 7/8, Panipat approved way back on 01.04.2002 and notified on 24.01.2002 has been appended with the report which clearly shows that residential plots have been carved out and third party rights stand created.

(6) It cannot be accepted that the petitioners are having physical possession of the site to the 'informed knowledge' of the authorities or the allottees of the plots.

(7) No case to declare the acquisition to have lapsed under Section 24(2) of the 2013 Act.

(8) Dismissed.

(Surya Kant)
Judge

14.12.2016
vishal shonkar

(Sudip Ahluwalia)
Judge