

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

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**CWP No.4258 of 2014 (O&M)**

**Date of Decision: 14.12.2016**

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Suresh & Ors.

... Petitioners

VS.

State of Haryana & Ors.

... Respondents

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

**HON'BLE MR.JUSTICE SUDIP AHLUWALIA**

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*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**

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Present: Mr. BS Rathee, Advocate for the petitioners

Mr. Ravi Dutt Sharma, DAG Haryana

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**SURYA KANT, J. (Oral)**

(1) The land of the petitioners measuring 15 kanal 9 marla fully described in para 2 of the writ petition and situated within the revenue estate of villages Raipur, Tehsil and District Sonapat was acquired vide award dated 14.10.2004. The petitioners seek a declaration that the acquisition of their land is deemed to have lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, namely, that they are still in physical occupation of the acquired land/property and neither the compensation has been paid nor deposited as per Section 31(2) of the Land Acquisition Act, 1894.

(2) The Land Acquisition Collector, Rohtak in his status report 17.04.2015 has admitted the fact that the petitioners have not received the compensation. It is further claimed that since the petitioners did not consent to receive the compensation amount hence there was no occasion for the

Collector to deposit the same with the Reference Court. It is thus obvious that the compensation amount was not deposited with the Reference Court as per Section 31(2) of the Land Acquisition Act, 1894.

(3) Similarly, the physical possession of the land also appears to be with the petitioners as the status report refers to only delivery of symbolic possession on the date of award. That being so, both the ingredients of Section 24(2) of the 2013 Act are fully satisfied.

(4) For the detailed reasons assigned by this Court vide order dated 27.10.2016 rendered in CWP No.17464 of 2007 titled as Satnam Singh & Anr. vs. State of Haryana & Ors., the instant writ petition is allowed and the impugned acquisition is declared to have lapsed on both grounds as contained in Section 24(2) of 2013 Act.

(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 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.

(6) Ordered accordingly.

**(Surya Kant)**  
**Judge**

**14.12.2016**  
*vishal shonkar*

**(Sudip Ahluwalia)**  
**Judge**