

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM No.14011-CWP of 2015 in/and
RA-CW-431-2015 in
CWP No.26527 of 2014
DATE OF DECISION: November 03,2016

Mukesh Kumar and others

...Petitioners

versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr.Aashish Chopra, Advocate for the applicant-
review/petitioners.
Mr.Ravi Dutt Sharma, DAG, Haryana.

SURYA KANT, J.

This application seeks clarification of the order dated 18.8.2015 whereby the applicant-writ petitioners challenged the acquisition of their land measuring 1 kanal 18 marlas situated in village Medawas, Tehsil and District Gurgaon and their matter was disposed of in the following terms:

"It is admitted that the said land was subsequently made part of notification dated 2.6.2009 issued under Section 4 of the Land Acquisition Act, 1894 and followed by declaration dated 31.05.2010 under

Section 6 of the Act. Thereafter, the award was announced, but land of the petitioners has not still made part of the award. Learned counsel for the respondents states that on account of the mistake, the said land was not included in the award No.14, for the year 2012-13. She further states that the State shall pay the compensation to the petitioners in terms of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act'). Learned counsel for the petitioners accepted the said proposal in view of the larger public interest involved, but subject to the condition that the petitioners should be rehabilitated in terms of the provision of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. In view of the said fact, the present writ petition is disposed of with a direction to the respondents to pay compensation of the land measuring 1 kanal 18 marla to the petitioners as under the Act within two months and also rehabilitate

the petitioners in terms of provision of the said Act in
accordance with law.”

The only clarification now sought is that the date on
which the compensation has to be assessed, was required to be
specified.

We have heard the learned counsel for the parties.

Since no award was passed qua the petitioners’ land,
the earlier acquisition process, including notifications issued
under Sections 4 and 6 of 1894 Act have admittedly lapsed.
The previous acquisition process is, thus, non existent.

As a necessary corollary, the respondents would be
obligated to assess the compensation as on the date when the
new Act came into force i.e. 1.1.2014.

Ordered accordingly.

(SURYA KANT)
JUDGE

November 03, 2016
KD

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No