

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 15280 of 2006 (O&M)
Date of decision: 4.10.2017

Yad Ram

.. Petitioner

v.

The State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: None for the petitioner.

Ms. Palika Monga, Deputy Advocate General, Haryana.

...

Rajesh Bindal J.

The petitioner in the present petition had initially filed the petition impugning acquisition of land, where notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act'), were issued on 29.1.2003 and 28.1.2004, respectively.

The writ petition was filed even after the award had been announced by Land Acquisition Collector (for short, 'the Collector') on 27.1.2006 and possession of the land had already been taken by the authorities. It is further not in dispute that the petitioner had accepted the compensation not only as determined by the Collector, but even by the Reference Court and as determined by this Court as well. Additional plea of lapsing of acquisition was sought to be taken invoking the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land

Acquisition Rehabilitation and Resettlement Act, 2013 (for short, 'the 2013 Act'). None of the ingredients required therefor are satisfied in the present case as the petitioner has admittedly received the amount of compensation and as far as possession of the land is concerned, the same was taken by the authorities immediately thereafter. It is not the case of the petitioner that he had raised any construction thereon to claim that the petitioner is in possession of the land ever since the same was acquired. The interim stay was granted by this court much after the award had been announced and possession had been taken by the authorities.

For the reasons mentioned above, we do not find any merit in the present petition. The same is, accordingly, dismissed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

4.10.2017
mk

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