

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

CWP No. 5876 of 2008 (O&M)

Date of decision: 30.11.2017

M/s Janta Oil Company and others

.. Petitioners

VS

The State of Haryana and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Gurvinder Singh Gill**

Present: Mr. Ashish Aggarwal, Senior Advocate with
Mr. Kulwant Singh, Advocate, for the petitioners.

Mr. Ankur Mittal, Additional Advocate General, Haryana,
Mr. Manoj Dhankhar and Shivendra Swaroop, Assistant
Advocate Generals, Haryana.

Rajesh Bindal, J.

This order will dispose of two writ petitions bearing CWP Nos. 5876 and 5893 of 2008, as common questions of law and facts are involved therein.

The petitioners have approached this Court claiming that the acquisition in question has lapsed in view of 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”), as neither the possession of the acquired land has been taken nor the compensation thereof has been paid.

Learned counsel for the petitioners submitted that notifications for acquisition of the said land under Section 4 and 6 of the Land Acquisition Act, 1894 (for brevity 'the 1894 Act'), were issued on 11.7.2006

and 16.7.2007, respectively. Award was announced by the Land Acquisition Collector on 23.6.2009.

Learned counsel for the petitioners further submitted that in CWP No. 5876 of 2008, the petitioners owned approximately 1650 square yards land, situated in the revenue estate of Kasba Karnal, District Karnal. On the land in question, a petrol pump is existing since the year 1964 in the name and style of Janta Oil Company.

Learned counsel for the petitioners further submitted that in CWP No. 5893 of 2008, the land was purchased on 29.10.1999, vide registered sale-deed dated Annexure P-1. On the land in question, petitioner no.1 is running Ayurvedic Dispensary.

Learned counsel for the petitioners further submitted that neither the compensation for the acquired land has been paid to the petitioners nor possession of the land has been taken. He further submitted that on the acquired land, construction was already existing before publication of the notification under Section 4 of the 1894 Act and the petitioners are in possession ever since then.

Learned counsel for the State fairly did not dispute the fact that construction on the acquired land owned by the petitioners was existing prior to the issuance of notification under Section 4 of the Act. The award was announced by the Land Acquisition Collector on 23.6.2009, however, the compensation has not been received by the petitioners.

Heard learned counsel for the parties and perused the paper book.

Section 24(2) of the 2013 Act provides that acquisition of land would lapse in cases where award had been announced by the Collector five

years prior to the enactment of the 2013 Act i. e. 1.1.2014, in case either the compensation for the acquired land has not been paid or the possession thereof had not been taken.

In CWP No. 5876 of 2008, admittedly, on the land in question, a petrol pump is existing in the name and style of Janta Oil Company since 1964. In CWP No. 5893 of 2008, the land was purchased on 29.10.1999 and Petitioner no.1 is running Ayurvedic Dispensary. It is also admitted that on the plots owned by the petitioners, which were sought to be acquired, there was construction existing prior to the issuance of notification under Section 4 of the 1894 Act. The petitioners have not been paid the compensation for the acquired land.

As ingredients laid down under Section 24(2) of the 2013 Act, have been complied with, the acquisition in question has lapsed.

For the reasons mentioned above, the writ petitions are allowed.

(Rajesh Bindal)
Judge

30.11.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No