

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

CWP No. 11298 of 2015 (O&M)

Date of decision : 6.11.2017

Hirdey Ram

.. Petitioner

versus

State of Haryana and another

.. Respondents

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

Present: Mr. Vikram Singh and Mr. Hardeep Singh Dhillon, Advocates,
 for the petitioner.

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

Rajesh Bindal, J.

Claim made by the petitioner is that acquisition of land 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 the possession of the acquired land is with him.

Learned counsel for the petitioner submitted that notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short “the 1894 Act”), were issued on 24.8.2000 and 22.8.2001, respectively. The Land Acquisition Collector vide award no. 9 dated 21.7.2003 announced the compensation for the acquired land. He submitted that 2 bighas 4 biswas land of the petitioner was acquired. He is in actual physical possession of the same. It is claimed that the construction on the acquired land was raised prior to the issuance of notification under Section 4 of the 1894 Act. The

petitioner had received the compensation of ₹ 30,93,750/- as determined by the Collector vide cheque no. 444630 dated 11.12.2008 for the acquired land and ₹ 1,31,275/- vide cheque no. 444631 dated 11.12.2008 for the superstructure existing thereon. He has also received enhanced compensation of ₹ 3,95,86,578/- vide cheque no. 466476 dated 13.1.2012. However, as per order dated 17.8.2015, the petitioner had deposited the amount of compensation along with interest with the Collector.

Learned counsel for the State submitted that the amount of compensation as determined by the Collector was received by the petitioner. The area has already been developed. The plots have already been allotted for nursery school site, park site, Group Housing Society and 12 meters wide road, which falls in Sector 52, Gurugram. It was submitted that release of land will disturb the planned development. It was submitted that the amount of compensation was deposited by the petitioner, but the same was as per the order of the Court, however, subject to final decision of the case. It is lying with the Collector.

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.

The compensation for the acquired land is not an issue, as the compensation so determined by the Collector for the acquired land of ₹ 30,93,750/- including the compensation for the superstructure of ₹

1,31,275/- was paid to the petitioner vide cheque nos. 444630 and 444631, respectively, both dated 11.12.2008. The petitioner filed objections under Section 18 of the 1894 Act. The amount of compensation was enhanced by the learned Reference Court. Even the enhanced amount of compensation of ₹ 3,95,86,578/- was paid to the petitioner vide cheque no. 466476 dated 13.1.2012. It is the definite case of the State that the possession of the land along with superstructure was taken by the authorities on 21.7.2003. It was not inhabited as there was some boundary wall and dilapidated three rooms. Even the photographs annexed by the petitioner with the petition do not suggest that the building was in any way inhabited. Once the compensation for the acquired land had already been paid and the possession thereof was been taken by the authorities, we do not find that any case is made out for declaring that the acquisition in question has lapsed in view of Section 24 (2) of the 2013 Act.

The amount as deposited by the petitioner in terms of order dated 17.8.2015 be refunded to him.

The writ petition is dismissed.

(Rajesh Bindal)
Judge

6.11.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No