

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

CWP No. 110 of 2016 (O&M)

Date of decision: 13.11.2017

Partap Singh and others

.. Petitioners

vs

State of Haryana and others

.. Respondents

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

Present: Mr. Arun Yadav, Advocate, for the petitioners.

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

Rajesh Bindal, J.

The present writ petition has been filed praying 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”).

Learned counsel for the petitioners submitted that the notifications for acquisition of the land under Section 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act') were issued on 14.11.2008 and 4.12.2008, respectively. Award was announced by the Land Acquisition Collector on 2.12.2010.

Learned counsel for the respondents at the very outset submitted that award having been announced by the Collector on 2.12.2010 five years had not lapsed till the enactment of the 2013 Act. The claim made in the present writ petition is totally misconceived.

Learned counsel for the petitioners could not dispute the fact that period of five years has not lapsed after the award was announced by the Collector till the enactment of the 2013 Act with effect from 1.1.2014.

After hearing learned counsel for the parties, in our view, the prayer made in the present writ petition is misconceived. The provisions of Section 24(2) of the 2013 Act could be invoked if the award had been announced by the Collector five years prior to the enactment of the 2013 Act. In the present case, award was announced by the Land Acquisition Collector on 2.12.2010.

The writ petition is accordingly dismissed.

(Rajesh Bindal)
Judge

13.11.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No