

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

CWP No. 11138 of 2016 (O&M)

Date of decision : 4.12.2017

Lala Ram

.. Petitioner

versus

State of Haryana and others

.. Respondents

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

Present: Mr. Ram Bilas Gupta, Advocate, for the petitioner.

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

Rajesh Bindal, J.

The petitioner has filed the present petition claiming that 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'), the acquisition has lapsed, as possession of the acquired land has not been taken from him. Notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act') were issued on 31.7.2006 and 9.8.2007, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 22.7.2008.

Learned counsel for the petitioner submitted that though he had received compensation for the acquired land however, possession thereof has not been taken from him. The petitioner further claimed that he had raised construction on the area about 600 square yards much prior to

issuance of notification under Section 4 of the 1894 Act and is still in physical possession of the land in question.

On the other hand, learned counsel for the State did not dispute the fact that the petitioner was owner of 10 kanal 15 marla of land, however, construction was raised on 250 square yards only and not 600 square yards as claimed by the petitioner. He further submitted that compensation for the acquired land was paid to the petitioner vide cheque No.040177 dated 16.3.2011. Enhanced compensation was also received by the petitioner vide cheque No.630034 dated 6.12.2011 and cheque No.226582 dated 27.12.2011. Again enhanced compensation by this Court for the land as well as superstructure was also received by the petitioner vide cheque No.001407 on 24.7.2016. He further submitted that the possession of the acquired land has already been taken by HSIIDC vide kabja karyawahi dated 24.7.2008 vide rapat roznamcha No.916 dated 24.7.2008. The area has been fully developed and plots have been allotted. It was further submitted that residential plot, measuring 14 marlas, has been allotted to the petitioner under the R&R Policy vide allotment letter dated 7.12.2007.

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 has not been taken.

In the case in hand, it is the admitted position on record that the possession of the acquired land was taken way back on 24.7.2008 by HSIIDC except the constructed portion on 250 square yards. The petitioner has not been able to establish that he is in possession of any other portion of land as the same has been fully developed and plots have been allotted. Compensation for the acquired land was paid to the petitioner vide cheque No.040177 dated 16.3.2011. Enhanced compensation was also received by the petitioner vide cheque No.630034 dated 6.12.2011 and cheque No.226582 dated 27.12.2011. Again enhanced compensation by this Court for the land as well as superstructure was also received by the petitioner vide cheque No.001407 on 24.7.2016. Further residential plot, measuring 14 marlas, has been allotted to the petitioner under the R&R Policy vide allotment letter dated 7.12.2007.

As compensation for the acquired land was paid to the petitioner and the possession thereof was taken by the authorities except 250 square yards on which construction existed and which is in possession of the petitioner, we do not find that any case is made out for declaring that the acquisition in question to that extent has lapsed. However, acquisition will lapse qua 250 square yards of land on which construction is existing and which is still in possession of the petitioner. The petitioner will return compensation received therefor alongwith interest as per the policy of HUDA within 3 months from the date of receipt of notice in this regard. The authority concerned shall calculate the amount and the interest and inform

the petitioner within one month from the date of receipt of notice. Area of 250 square yards be also demarcated.

The writ petition is disposed of accordingly.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

4.12.2017
sharmila

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