

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

CWP No. 14080 of 2014 (O&M)

Date of decision: 5.12.2017

Smt. Chander Kanta Talwar 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. Sanjay Vashisth, 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.

Affidavit of Satish Yadav, Land Acquisition Collector, Urban
Estate, Gurugram, dated 3.12.2017, filed in Court, is taken on record.

The petitioners have approached this Court claiming that the acquisition of land measuring 1 kanal 10 marlas situated in village Silokhra, Tehsil and District Gurugram, 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 under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act'), were issued on 30.1.1989 and 25.1.1990, respectively. Award

was announced by the Land Acquisition Collector on 22.1.1992 but qua the land of the petitioners on 15.4.2002. No compensation has been paid to the petitioners on account of acquisition of land, though 25 years have passed. He further submitted that the acquired land is situated adjoining to the village abadi. It was further submitted that all around the land in question, the acquisition proceedings have been quashed. The petitioners are in actual physical possession of the acquired land.

Learned counsel for the State fairly did not dispute the fact that the land in question is adjoining to the village abadi and acquisition of land all around the land in question has already been quashed by this Court. He further submitted that the amount of compensation is lying with the Collector and the petitioners have not received the same.

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 the case in hand, it is the admitted position on record that the petitioners have not been paid the amount of compensation for the acquired land. In addition, undisputedly the petitioners are still in possession of the acquired land, which is small portion of 1 kanal 10 marlas. It is also not disputed that the land in question is adjoining to the village abadi and acquisition of land around the land in question has already been quashed by this Court.

In view of our aforesaid discussions, as ingredients laid down in Section 24(2) of the 2013 Act have been satisfied, acquisition of land in question has lapsed.

However, the State shall be at liberty to either initiate fresh proceedings for acquisition of land or negotiate with the landowners for purchasing/ retaining the land in accordance with law, in case the land in question is required for completion of any project or otherwise. The petitioners shall maintain status quo regarding the land in question for a period of six months to enable the State to take decision.

The writ petition stands disposed of.

(Rajesh Bindal)
Judge

5.12.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned	Yes/No
Whether Reportable	Yes/No