

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

CWP No. 1394 of 2015 (O&M)

Date of decision : 6.11.2017

Deep Chand

.. Petitioner

versus

The 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 has not been taken.

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 announced the award on 21.7.2003. He submitted that the petitioner is still in actual physical possession of the acquired land. He has filed objections under Section 5-A of the 1894 Act and as per the report, there was construction existing prior to issuance of notification under Section 4 of the 1894 Act. To show his possession, the

petitioner has placed on record *khasra girdawari* for the year 2006-07. He also filed objections under Section 18 of the 1894 Act and has also received part payments. However, he will return the amount received to the State with interest.

On the other hand, learned counsel for the State submitted that the notification under Section 4 of the 1894 Act was issued on 24.8.2000. The petitioner did not file objections under Section 5-A of the 1894 Act. The Land Acquisition Collector announced the award no. 9 on 21.7.2003. The amount of compensation determined by the Collector at ₹ 1,44,375/-, which was received by the petitioner vide cheque no. 191125 dated 5.8.2003.

Learned counsel for the State further submitted that the objections filed by the petitioner under Section 18 of the 1894 Act were decided by the learned Reference Court way back in the year 2011. The enhanced compensation of ₹ 18,89,554/- has also been received by the petitioner vide cheque no. 466811 dated 23.3.2012. The total area in the khewat is 14 biswas in which there are 28 shareholders. The petitioner is owner of 353 square yards of land. The land is not partitioned. It is lying vacant. No construction was existing on the acquired land at the time of issuance of notification under Section 4 of the 1894 Act. The possession was taken way back on 21.7.2003. The development activities have already been carried out.

After hearing learned counsel for the parties, we do not find any merit in the present writ petition. It is not in dispute that the compensation for the acquired land, as determined by the Collector, was received by the petitioner, immediately thereafter, He filed objections under

Section 18 of the 1894 Act, which were decided by the learned Reference Court vide award dated 23.8.2011. Even the enhanced compensation as determined by the learned Reference Court was also received by the petitioner vide cheque no. 466811 dated 23.3.2012.

Undisputedly, the petitioner is shareholder only to the extent of 353 square yards of land in a joint khewat measuring 14 biswas, in which 28 shareholders are there. No objections under Section 5-A of the 1894 Act were filed to claim that there was any structure existing on the acquired land at the time of issuance of notification under Section 4 of the 1894 Act. Even when the objection under Section 18 of the 1894 Act was filed, no issue was raised that the petitioner is entitled to payment of compensation for any superstructure existing on the acquired land at the time of acquisition.

For the reasons mentioned above, we do not find any merit in the present writ petition. The same is accordingly dismissed.

(Rajesh Bindal)
Judge

6.11.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No