

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 10054 of 2017 (O&M)

Date of decision: 11.05.2017

Ravinder

..... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

PRESENT: Mr. Sandeep Sharma, Advocate for the petitioner.

RAJESH BINDAL, J.

The petitioner has approached this Court claiming the relief that the acquisition of land owned by him has elapsed 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'). Notification under Section 4 of the Land Acquisition Act, 1894 (for short 'the 1894 Act') was issued on 24.08.2000 (Annexure P-1). It was followed by notification under Section 6 of the 1894 Act on 22.08.2001 (Annexure P-2). The award was announced by the Collector on 21.07.2003 (Annexure P-3). It has been noticed in the impugned order dated 14.09.2016 (Annexure P-9) that after hearing the objections under Section 5A of the 1894 Act, 3 marlas of land from Khasra No. 17//25 min was released.

The aforesaid fact is not disputed by learned counsel for the petitioner, however, he sought to explain that the aforesaid khasra number is

not owned by him as the land had been partitioned. He admitted that compensation for the acquired land has been received by him. However, the fact remains that when the objections under Section 5A of the 1894 Act were filed wherever the construction existed, the Collector recommended for the release of that portion of land, which was accepted by the Government. The petitioner never raised any issue that there was any construction existing in the portion of the land owned by him.

Hence, as none of the conditions laid down in Section 24(2) of the 2013 Act have been satisfied, there is no ground to entertain the petition. The amount of compensation has already been taken by the petitioner. A perusal of photographs Annexure P-14 also suggests that the construction is apparently new and not more than 16-17 years old.

For the reasons mentioned above, we do not find any ground to interfere in the present writ petition under Section 24(2) of the 2013 Act and the same is dismissed.

(RAJESH BINDAL)
JUDGE

May 11, 2017
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No