

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

CWP No. 23622 of 2011 (O&M)

Date of decision: 5.12.2017

Smt. Bhagwati and others

.. Petitioners

VS

The State of Haryana and others

.. Respondents

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

Present: Mr. Shailendra Jain, Senior Advocate with
 Mr. Satyendra Chauhan, Advocate, for the petitioners
 in CWP No. 23622 of 2011,
 Mr. R. S. Rai, Senior Advocate with
 Ms. Rubina, Advocate, for the petitioner
 in CWP No. 13796 of 2014, and
 Mr. Chetan Mittal, Senior Advocate with
 Mr. Himanshu, Advocate, for the petitioners
 in CWP No. 15720 of 2014.

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

Rajesh Bindal, J.

This order will dispose of three writ petitions bearing CWP
Nos. 23622 of 2011, 13796 and 15720 of 2014, as common questions of law
and facts are involved therein.

Affidavit of Satish Yadav, Land Acquisition Collector, Urban
Estate, Gurugram, dated 3.12.2017, filed in CWP No. 23622 of 2011 in
Court, is taken on record.

The petitioners have approached this Court claiming that the 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 neither the possession of the acquired land has been taken nor the compensation thereof has been paid. It was submitted that notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act'), were issued on 26.8.2003 and 10.8.2004, respectively. Award was announced by the Land Acquisition Collector on 4.8.2006.

In CWP No. 23622 of 2011, learned counsel for the petitioners submitted that the petitioners are recorded as *dholidars* of land in question. In CWP Nos. 13796 and 15720 of 2014, learned counsel for the petitioners further submitted that the petitioners are *gair marusi* tenants and are in cultivating possession of the land in question.

It was further submitted that the entire area has been developed by the DLF and a licenced colony in the name and style of DLF Qutub Enclave, Phase-II, Gurgaon, had been developed there. The State acquired small-small portions of land, which are of no use to it. The land in question is lying vacant.

Learned counsel for the State fairly did not dispute the fact that the compensation of the acquired land has not been paid to the petitioners and presently they are in possession of the acquired land.

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, admittedly even the petitioners are still in possession of the acquired land. It is also not disputed that the entire area has been developed by the DLF and the State has acquired only small-small portions of land, which are of no use to it.

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.

The writ petitions stand disposed of.

(Rajesh Bindal)
Judge

5.12.2017
vs

(Gurvinder Singh Gill)
Judge

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