

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

CWP No. 1283 of 2017 (O&M)

Date of decision : 27.11.2017

Bholi Devi

.. Petitioner

versus

State of Haryana and others

.. Respondents

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

Present: Mr. Sandeep Panwar, 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 the petitioner has neither been paid compensation for the acquired land nor possession thereof has been taken from her. Notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act') were issued on 9.8.2002 and 8.8.2003, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 5.8.2005.

Learned counsel for the petitioner submitted that neither compensation for the acquired land has been paid to the petitioner nor possession thereof has been taken from her. It was submitted that the

petitioner had purchased 270 square yards of plot and raised construction on the plot prior to issuance of notification under Section 4 of the 1894 Act. The petitioner is still in physical possession of the land in question. Objections under Section 5-A of the 1894 Act were filed by the petitioner claiming construction over the land in question.

On the other hand, learned counsel for the State did not dispute the fact that the compensation for the acquired land has not been paid to the petitioner. It was not disputed that construction was existing over the land in question prior to issuance of notification under Section 4 of the 1894 Act. The fact that the petitioner is still in physical possession of the plot is not disputed by the State.

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 admitted position on record that compensation for the acquired land has not been paid to the petitioner. As regards possession of the land is concerned, it is not in dispute that the petitioner is in possession of the land prior to issuance of notification under Section 4 of the 1894 Act as construction had been raised thereon.

For the reasons mentioned above, in our opinion, ingredients as contained in Section 24(2) of the 2013 Act having been complied with, the

acquisition of land in question has lapsed.

The writ petition is allowed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

27.11.2017
sharmila

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