

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

CWP No.1749 of 2015 (O&M)

Date of decision : 13.11.2017

Sube Singh and another

.. Petitioners

versus

State of Haryana and others

.. Respondents

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

Present: Mr. Jagbir Malik, Advocate, for the petitioners.

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

Mr. Padamkant Dwivedi, Advocate,
for respondents No.2, 4, 5 and 6.

Rajesh Bindal, J.

The petitioners have approached this Court praying that the acquisition of land has lapsed in terms 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 compensation for the acquired land has been paid nor possession thereof has been taken. Notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act') were issued on 2.3.1993 and 1.3.1994, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 28.2.1996.

Learned counsel for the State submitted that the land involved in the present petition is located at two places. A small portion of land is located at Panipat-Sanoli road, which is required for development as green belt along with road. Another portion of land, which is located within

sector, however, if the aforesaid land is released from acquisition, it will disturb the planning of the sector, as it affects two connecting roads within the sectors. He further did not dispute the fact that neither the compensation for the acquired land has been paid to the petitioners nor it has been deposited in Court.

In response, learned counsel for the petitioners submitted that he has no objection to acquisition of land, which is required for development as green belt along with Panipat-Sanoli road. As far as the land required for construction of 10 meters wide road within the sector is concerned, the petitioners do not have any objection even to acquisition of that part of land. However, acquisition for the rest of the land has lapsed.

Heard learned counsel for the parties and perused the paper book.

Award in the present case was announced by the Collector on 28.2.1996. Provisions of Section 24 (2) of the 2013 Act can be invoked, in case either of two conditions is satisfied, namely, either the compensation has not been paid or possession of the acquired land has not been taken. In the case in hand, it remained undisputed that the compensation for the acquired land has not been paid to the petitioners.

Learned counsel for the petitioners fairly submitted that he has no objection to acquisition of land, which is required for construction of green belt along with Panipat-Sanoli road and also portion of that land required for construction of 10 meters wide road within sector, hence, the acquisition for aforesaid portion is upheld and for the rest of the land the acquisition will lapse. The petitioners be paid compensation for the portion of land acquired qua which acquisition has been upheld.

The petitioners shall be entitled to claim plots under the
oustee's quota policy of the State, in case they are entitled to.

The writ petition is disposed of accordingly.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

13.11.2017
sharmila

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