

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

CWP No. 17618 of 2015 (O&M)

Date of decision : 11.12.2017

Maya 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. Abhishek Yadav, 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.

Affidavit of Satish Yadav, Land Acquisition Collector,
Gururgram, Haryana dated 7/11.12.2017 filed in Court is taken on record.

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 27.1.2003 and 23.1.2004, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 20.1.2006.

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 petitioner is the owner of 19 marlas of land. Prior to issuance of notification under Section 4 of the 1894 Act, on the acquired land, house had been constructed by the petitioner. The petitioner is still in physical possession thereof.

Learned counsel for the State did not dispute the fact that the petitioner is the owner of 19 marlas of land. He did not dispute the fact that compensation for the acquired has not been paid to the petitioner. Actual physical possession of the acquired land could not be taken as the construction was existing thereon. Learned counsel for the State further submitted that some part of the land of the petitioner is coming in the planning for construction of road. For that purpose, small portion of boundary wall of the petitioner may have to be demolished. The State may be permitted to retain that portion of area, so that sector roads are properly planned.

Learned counsel for the petitioner fairly submitted that the petitioner has no objection to State's taking small portion of land, which is required for construction of road, however, subject to payment of compensation therefor. The petitioner, if required, will demolish any portion of boundary wall for the purpose, however, not affecting the main building.

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 physical possession thereof has not been taken.

As consented by learned counsel for the parties, the State shall be entitled to take possession of the portion of the land, which is coming in the road alignment, however, subject to payment of compensation therefor. The petitioner, if required, will demolish any portion of boundary wall for the purpose, however, not affecting the main building. However, acquisition of the balance land has lapsed as ingredients contained in Section 24(2) of the 2013 Act have been complied with. Area will be demarcated and the petitioner will be informed about the portion of boundary wall to be demolished by her for proper alignment of road. Needful shall be done on 30.1.2018.

The State shall also be at liberty to either initiate fresh proceedings for acquisition of land or negotiate with the landowners for purchasing/ retaining the land in accordance with law, in case the land in question is required for completion of any project or otherwise. The petitioner shall maintain status quo regarding the land in question for a period of six months to enable the State to take decision.

The writ petition is allowed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

11.12.2017
sharmila

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