

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

CWP No. 1764 of 2015 (O&M)

Date of decision: 13.11.2017

Randhir Singh

.. Petitioner

vs

The State of Haryana and others

.. Respondents

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

Present: Mr. Harpal S. Baidwan, Advocate, for the petitioner.

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

Rajesh Bindal, J.

The petitioner has filed the present writ petition claiming two fold relief. First relief is that 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”). Second relief prayed is that the land in question was acquired for utilization for 60 meters green belt with Sector 27-A and B dividing road at Rohtak. As the width of the green belt was reduced from 60 meters to 30 meters, the land owned by them, which is falling beyond 30 meters of green belt, be released from acquisition, considering the fact that land of similarly situated persons was released from acquisition. Notifications for acquisition of the land under Section 4

and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act') were issued on 20.8.2007 and 24.12.2007, respectively. Award was announced by the Land Acquisition Collector on 20.1.2009.

Learned counsel for the State submitted that provisions of Section 24(2) of the 2013 Act cannot be invoked as the award was announced by the Land Acquisition Collector on 20.1.2009, as period of five years had not lapsed as on the date of enactment of the 2013 Act. He, on instructions from Brahm Parkash, LAC, Urban Estate, Rohtak, further submitted that the width of the green belt having been reduced from 60 meters to 30 meters, the land owned by other landowners was released from acquisition subject to return of compensation along with interest as per the policy framed by the HUDA. In the present case, part of the acquired land of the petitioner falls within the green belt and part is beyond that. The land which is falling beyond the 30 meters green belt will be released subject to return of proportionate compensation along with interest as per the policy framed by the HUDA.

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

As far as lapsing of acquisition of land under Section 24(2) of the 2013 Act is concerned, no case is made out as the award in the present case was announced by the Collector on 20.1.2009 and period of five years had not lapsed till the enactment of the 2013 Act.

As far as release of part of land owned by the petitioner on account of reduction of width of green belt is concerned, the claim has been conceded by the respondents. However, it was stated that part of the acquired land owned by the petitioner falls within 30 meters of the green

belt and part beyond that. As submitted by learned counsel for the respondents, the area which falls beyond 30 meters green belt will be released from acquisition subject to petitioner's depositing proportionate compensation along with interest with the Collector as per the policy framed by HUDA. Acquisition qua the other land is upheld.

The writ petition is disposed of accordingly.

(Rajesh Bindal)
Judge

13.11.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No