

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

CWP No. 17823 of 2015 (O&M)

Date of decision : 4.12.2017

Sulochana 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. Mohan Singh Puri, 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. Manish Dadwal, Advocate, for HSIIDC.

Rajesh Bindal, J.

This order will dispose of two writ petitions bearing CWP Nos. 17823, 19847 of 2015, as common questions of law and facts are involved therein.

The petitioners have 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 petitioners have neither been paid compensation for the acquired land nor possession thereof has been taken from them. Notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act') were issued on 20.6.2005 and 26.6.2006, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 19.6.2008.

Learned counsel for the petitioners submitted that neither compensation for the acquired land has been paid to the petitioners nor possession thereof has been taken from them. No activity for development of the area has been initiated till date despite the fact that the award for the acquisition in question was announced by the Collector on 19.6.2008.

Learned counsel for the State did not dispute the fact that the petitioners are the owners of the land in dispute. It is also not in dispute that on the acquired land development work is yet to be started. The acquired land of the petitioners was lying vacant at the time of issuance of notification under Section 4 of the 1894 Act and still now. The fact that the petitioners are still in physical possession of the acquired land is not disputed by the State and further that compensation for the acquired land has not been received by the petitioners.

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.

In the case in hand, it is admitted position on record that neither compensation for the acquired land has been paid to the petitioners nor possession thereof has been taken from them. The land was acquired for Growth Centre, Saha, Phase-II, which is yet to be developed. The acquired land of the petitioners was lying vacant at the time of issuance of

notification under Section 4 of the 1894 Act and still now.

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 State shall 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 petitions are allowed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

4.12.2017
sharmila

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