

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

CWP No. 18887 of 2014 (O&M)

Date of decision : 20.12.2017

Om Prakash and others

.. Petitioners

versus

State of Haryana and others

.. Respondents

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

Present: Mr. Akshay Bhan, Senior Advocate with
Mr. Alok Mittal, Advocate and
Mr. Ajay Jain, 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.

Rajesh Bindal, J.

This order will dispose of two writ petitions bearing CWP Nos.18887 and 19887 of 2014, as common questions of law and facts are involved therein.

Affidavit of Satish Yadav, Land Acquisition Collector, Urban Estate, Gurugram, Haryana dated 5.12.2017 filed in both petitions in Court is taken on record.

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 1.9.1997 and 29.8.1998, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 28.8.2000.

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. Initially some part of the constructed area had been released from acquisition, however, certain was left out. The land is located adjoining to Lal Dora Village Abadi of Chauma, where otherwise also large area of land was released after accepting objections under Section 5-A of the 1894 Act or even after issuance of notification under Section 6 of the 1894 Act but before announcement of award by the Collector. Learned counsel for the petitioners further submitted that abutting land of the petitioners there is no land acquired by the State, as all around licenses have been granted to the builders for development as residential/commercial areas. Hence, otherwise the land cannot put to any use.

Learned counsel for the respondents fairly submitted that compensation for the acquired land was deposited in Court on 8.4.2015. He further did not dispute the fact that adjoining to the land of the petitioners, there is no land acquired by the State. All around the land in question, licences were granted to the builders for development as residential/commercial areas. He further submitted that there is construction presently existing on the land owned 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 is located adjoining to Lal Dora Village Abadi of Chauma, where also large area of land was released after accepting objections under Section 5-A of the 1894 Act or even after issuance of notification under Section 6 of the 1894 Act but before announcement of award by the Collector. Further abutting land of the petitioners, there is no land acquired by the State, as all around licenses have been granted to the builders for development as residential/commercial areas.

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. However, the State shall be at liberty to withdraw the amount of compensation deposited with the Court in the cases of present petitioners.

However, 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 petitioners 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

20.12.2017
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No