

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

CWP No. 18334 of 2015 (O&M)

Date of decision : 27.11.2017

Devi Dayal and others

.. Petitioners

versus

The State of Haryana and another

.. Respondents

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

Present: Mr. Vikram Singh, Advocate and
Mr. Hardeep Singh Dhillon, 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.

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 2.1.2002 and 24.12.2002, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 21.12.2004.

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. The petitioners are the owners of a small plot measuring 7½ biswas forming part of khasra No.7193. The

petitioners are still in physical possession of the plot. It was submitted that the land on two sides of the plot was released from acquisition. Back side of the plot is green belt and front side of the plot is facing road. It was further submitted that the area in question has not even been planned for development.

On the other hand, learned counsel for the State did not dispute the fact that the compensation for the acquired land has not been paid to the petitioners. It was further not disputed that the land on two sides of the plot was released from acquisition. He further did not dispute the fact that the area has been developed but this part of land has yet not been planned for development.

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 possession thereof has not been taken.

In the case in hand, it is admitted position on record that compensation for the acquired land has not been paid to the petitioners. As regards possession of the land is concerned, the submission of the petitioners is that they are still in physical possession of the plot. Admittedly, the land on two sides of the plot was released from acquisition. Back side of the plot is left for green belt and there is a road in front side of the plot. The State has not been able to produce any material on record to show that any developmental activity has been carried out on this portion of

land to establish that possession thereof was taken.

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 writ petition is allowed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

27.11.2017
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No