

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

CWP No. 18854 of 2015 (O&M)

Date of decision : 5.12.2017

Surender Pal

.. Petitioner

versus

State of Haryana and others

.. Respondents

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

Present: Mr. Sandeep Sharma, 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.

Affidavit of Satish Yadav, Land Acquisition Collector, Urban
Estate, Gurugram, dated 4.12.2017, filed in Court, is taken on record.

Claim made by the petitioner 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”), as neither the
possession of the acquired land has been taken nor the compensation thereof
has been paid.

Learned counsel for the petitioner submitted that notifications
under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short “the
1894 Act”), were issued on 23.6.2003 and 16.4.2004, respectively. The
award was announced by the Land Acquisition Collector (for short, 'the
Collector') on 10.11.2004. He submitted that the petitioner is in actual
physical possession of the acquired land.

On the other hand, learned counsel for the respondents submitted that the possession of the acquired land has been taken vide rapat no. 143 dated 10.11.2004. The same was transferred to the Forest Department. Even the compensation of ₹ 89,63,102/- for the acquired land has already been deposited with the Court below vide cheque no. 130601 dated 14.2.2009. The petitioner can withdraw the amount from the Court below. Objection under Section 5-A of the 1894 were not filed by him raising any plea of construction. Hence, he cannot be permitted to invoke the provisions of Section 24(2) of the 2013 Act on that issue.

After hearing learned counsel for the parties, we do not find any merit in the present writ petition. It is not in dispute that the compensation for the acquired land, as determined by the Collector, was deposited with the Court below on 10.11.2004. No objections under Section 5-A of the 1894 Act were filed by the petitioner. The land has already been utilized for the purpose it was acquired as it stands transferred to the Forest Department.

For the reasons mentioned above, we do not find any merit in the present writ petition. The same is accordingly dismissed. The petitioner shall be at liberty to withdraw the compensation from the Court below.

(Rajesh Bindal)
Judge

5.12.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No