

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

CWP No. 17893 of 2016 (O&M)

Date of decision: 12.12.2017

Vijay Laxmi

.. Petitioner

VS

State of Haryana and others

.. Respondents

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

Present: None for the petitioner.

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

Rajesh Bindal, J.

Status report by way of affidavit of Dr. Naresh Kumar, Land Acquisition Collector, Department of Urban Estate, Faridabad, dated 12.12.2017, filed in Court, is taken on record.

The petitioner has approached this Court claiming that the acquisition 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 the possession of the acquired land has not been taken.

Notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act'), were issued on 3.7.1995 and 2.7.1996, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 29.6.1998. It is claimed in the writ petition that the actual physical possession of the acquired land has not been taken.

Learned counsel for the respondents submitted that in the case

in hand the petitioner is trying to misuse the provisions of the 2013 Act claiming that the acquisition has lapsed as she is in possession of the acquired land, though the possession of the acquired land was taken by the State vide rapat no. 568 dated 29.6.1998 and the same has been handed over to the concerned department. The land in question is being used by Delhi Metro Rail Corporation. Compensation for the acquired land has also been received by the petitioner. She even filed objections under Section 18 of the 1894 Act.

After hearing learned counsel for the State and considering the averments made, we do not find any merit in the present writ petition. The compensation for the acquired land, as determined by the Collector, was received by the petitioner. The possession of the acquired land has been taken by the authorities vide rapat no. 568 dated 29.6.1998. The land has been transferred to the concerned department. Further the petitioner being satisfied with the acquisition even filed objections under Section 18 of the 1894 Act.

For the reasons mentioned above, prima-facie, we do not find any merit in the present writ petition. However, as none has appeared for the petitioner, the writ petition is dismissed for non-prosecution.

(Rajesh Bindal)
Judge

12.12.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned
Whether Reportable

Yes/No
Yes/No