

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

CWP No. 19493 of 2015 (O&M)

Date of decision : 27.11.2017

Parveen 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. Ram Bilas Gupta, 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 7.12.1992 and 3.12.1993, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 27.11.1995.

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. It was submitted that the

father of petitioners No.1 to 6; grand father of petitioners No.7 & 8; husband of petitioner No.9 and petitioners No.10 to 13 are the owners of 6 kanals 3 marlas of land. They have constructed shops/houses over the land prior to issuance of notification under Section 4 of the 1894 Act. The petitioners are still in physical possession of the land in question. Objections under Section 5-A of the 1894 Act were filed by the petitioners claiming construction over the land in question. The acquisition being quite old though the entire area as such has been developed but 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 not disputed that construction was raised over the land in question prior to issuance of notification under Section 4 of the 1894 Act. The fact that the petitioners are still in physical possession of the plot is not disputed by the State. He further did not dispute the fact that the 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, which fact is not disputed by the State.

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