

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

CWP No. 19764 of 2015 (O&M)

Date of decision : 27.11.2017

Harbir Singh and another

.. 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 possession of the acquired land has not been taken from them. Notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act') were issued on 8.2.1989 and 7.2.1990, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 23.1.1992.

Learned counsel for the petitioners submitted that though they had received compensation for the acquired land however, thereafter they

had deposited the same with the office of the Collector. It was submitted that the petitioners are the owners of 4 kanal 7 marla of land and they are still in physical possession of the land in question.

On the other hand, learned counsel for the State did not dispute the fact that the petitioners are the owners of the acquired land. He further submitted that compensation for the acquired land was paid to the petitioners vide cheque No.72447 dated 16.11.2011. He further submitted that the possession of the acquired land has already been taken by HUDA on 23.1.1992. It is wrong to allege that the petitioners are in possession thereof. There is wild growth on the land at present.

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 the admitted position on record that the possession of the acquired land was taken way back on 23.1.1992 by HUDA. The petitioners have not been able to establish that they are in possession of the land as it is lying barren. Compensation for the acquired land was paid to the petitioners vide cheque No.72447 dated 16.11.2011.

Once the compensation for the acquired land was paid to the petitioners and the possession thereof was taken by the authorities, we do not find that any case is made out for declaring that the acquisition in

question has lapsed in view of Section 24(2) of the 2013 Act.

The writ petition is dismissed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

27.11.2017
sharmila

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