

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

CWP No. 21091 of 2014 (O&M)

Date of decision: 30.10.2017

Menawati Jain and others

.. Petitioners

vs

State of Haryana and others

.. Respondents

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

Present: Mr. Shailendra Jain, Senior Advocate with
Mr. Satyendra Chauhan, Advocate, for the petitioners.

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

Rajesh Bindal, J.

The petitioners have approached this Court claiming that acquisition of land in question has lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for brevity, 'the 2013 Act').

Learned counsel for the petitioners has submitted that neither the compensation for the acquired land has been paid nor the physical possession of the land has been taken. The notifications for acquisition of the said land under Section 4 and 6 of the Land Acquisition Act, 1894 (for brevity 'the 1894 Act') were issued on 17.11.2005 and 7.2.2006, respectively. Award was announced by the Land Acquisition Collector on 2.3.2006. It has also been claimed that on the part of the acquired land, construction was already existing before notification under Section 4 of the

1894 Act was issued. The petitioners had even filed the objections under Section 5A of the 1894 Act claiming that on part of the acquired land, even the construction existed and the petitioners are still in possession of the entire land including the constructed area.

Learned counsel for the State does not dispute the fact that the construction was already existing before issuance of the notification under Section 4 of the 1894 Act. However, he, on instruction from Dhirender Singh, DTP, Sonipat, submitted that the land in question will affect the planning for green belt along with National Highway No.1 and the adjoining 18 meters service road. It is further submitted that petitioners have not been paid compensation for the acquired land, which according to him, is lying with the Land Acquisition Collector.

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 had not been taken.

In the case in hand, it is the admitted position on record that the petitioners have not been paid the amount of compensation for the acquired land. In addition, admittedly even the construction was existing prior to the issuance of notification under Section 4 of the 1894 Act and the petitioners therein are still in possession of the entire land including the constructed portion.

In view of the aforesaid discussion, in our view, the ingredients as laid down in Section 24(2) of the 2013 Act having been satisfied, acquisition of land owned by the petitioners has lapsed.

However, the State shall be at liberty to either initiate fresh proceedings for acquisition of land or negotiate with the landowners for purchasing/retaining the land in accordance with law, in case the land in question is required for completion of any project or otherwise. The petitioners shall maintain status quo regarding the land in question for a period of six months to enable the State to take decision.

The writ petition is disposed of accordingly.

(Rajesh Bindal)
Judge

30.10.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned?

Yes/No

Whether Reportable

Yes/No