

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

CWP No. 19552 of 2016 (O&M)

Date of decision : 4.12.2017

Shiv Narain Singh and others

.. Petitioners

versus

State of Haryana and others

.. Respondents

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

Present: None 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.

Mr. Anil K. Rana, Advocate for
Mr. Lokesh Sinhal, Advocate, for HSIIDC.

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 31.7.2006 and 9.8.2007, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 22.7.2008 and 29.7.2008..

Claim made by the petitioners is that though they had received compensation for the acquired land however, possession thereof has not been taken from them. The petitioners further claimed that they had

constructed houses on 1 kanal 3 marla of land prior to issuance of notification under Section 4 of the 1894 Act 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 were owners of the acquired land. He further submitted that compensation for the acquired land was paid to the petitioners vide cheques No.967890 to 967892 and 967942 to 967944 dated 7.8.2008. Enhanced compensation was also received by the petitioners including for the superstructure existing on the acquired land. He further submitted that the possession of the acquired land has already been taken by HSIIDC vide kabja karyawahi dated 7.8.2008. The area has been fully developed and plots have been allotted. At present, there is small dilapidated construction on the acquired land, which is not habitable. It was further submitted that six residential plots, measuring 6 marlas of each, have been allotted to the petitioners under the R&R Policy vide allotment letters dated 7.12.2007, which have been accepted by the petitioners by depositing 10% of allotment price of the plots.

Heard learned counsel for the respondents 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 physical possession thereof has not been taken.

In the case in hand, undisputed position on record is that the possession of the acquired land was taken way back on 7.8.2008 by

HSIIDC. The petitioners have not been able to establish that they are in possession of the land as the same has been fully developed and plots have been allotted. Compensation for the acquired land including enhanced compensation was paid to the petitioners. Further six residential plots, measuring 6 marlas of each, have been allotted to the petitioners under the R&R Policy vide allotment letters dated 7.12.2007, which have been accepted by the petitioners, as they have even deposited 10% of the allotment price.

Once the compensation for the acquired land was paid to the petitioners and the possession thereof was taken by the authorities, prima facie, 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.

However, as none has appeared for the petitioners, the writ petition is dismissed for non-prosecution.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

4.12.2017
sharmila

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