

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

CWP No.16106 of 2017 (O&M)

Date of Decision:-July 25, 2017

Barkha Ram and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

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

Present : Mr. K.K. Garg, Advocate, for the petitioners.

Rajesh Bindal J:

The petitioners approached this Court seeking benefit 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'). Though the amount of compensation for the acquired land owned by the petitioners has been received, however, they claims that they are still in possession thereof.

Notification under Section 4 of the Land Acquisition Act, 1894 (for short 'the 1894 Act') was issued on 5.4.1990. It was followed by notification under Section 6 of the 1894 Act dated 4.4.1991. The award was announced by the Land Acquisition Collector (for short "the Collector") on 15.3.1993. Immediately thereafter, the petitioners received the amount of compensation. Thereafter, the petitioners raised objection regarding amount of compensation assessed by the Collector. Even the enhanced amount of compensation has also been received by the petitioners. The plea is sought to

be raised by the petitioners that they are still in possession of the land. In support thereof photographs have been annexed as Annexure P-12, where some cattles have been tied on open land. This cannot be said to be a fact to establish that the petitioners are in possession of the land ever since the same was acquired. Anyone can get himself photograph at any open place at any time. It is not a case where construction had been raised prior to the issuance of notification under Section 4 of the 1894 Act.

For the reasons mentioned above, we do not find that the ingredients as provided under Section 24(2) of the 2013 Act have been complied with, to claim that the acquisition has lapsed.

The petition is accordingly dismissed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

July 25, 2017

pankaj

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No