

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

CWP No. 21027 of 2015 (O&M)

Date of decision : 27.11.2017

Dharamvir 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 the petitioners have neither been paid compensation for the acquired land nor possession of the land 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 2.1.2002 and 24.12.2002, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 21.12.2004.

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

petitioners had purchased plot measuring 846 square yards and constructed residential house over the land much before the acquisition. It was submitted that in terms of the order dated 21.8.2013 passed by this Court, 317.71 square yards of land was released from acquisition. It was further submitted that compensation for the superstructure was assessed but not paid to the petitioners. The petitioners are still in physical possession of the plot.

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 out of 846 square yards of land, 317.71 square yards, was released from acquisition. He further did not dispute the fact that there was cattle shed and boundary wall constructed over the plot 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.

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, it is not in dispute that the

petitioners are in possession of the land, as construction had been raised thereon.

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