

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

CWP No. 20269 of 2016 (O&M)

Date of decision: 11.12.2017

Jangjit Singh

.. Petitioner

vs

State of Haryana and others

.. Respondents

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

Present: Mr. Sandeep Sharma, Advocate, for the petitioner.

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

Rajesh Bindal, J.

Status report by way of affidavit of Satish Yadav, Land Acquisition Collector, Urban Estate, Gurugram, dated 7/11.12.2017, filed in Court, is taken on record.

The petitioner has approached this Court claiming that the acquisition in question has lapsed 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”), as neither physical possession of the acquired land has been taken nor the compensation thereof has been paid.

The land of the petitioner bearing khewat no. 21, khatoni no. 32, measuring 15 marlas situated in village Padianwas, District Rewari, was

sought to be acquired for which notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act'), were issued on 27.1.2003 and 24.1.2004, respectively. Award was announced by the Land Acquisition Collector on 20.1.2006. It is claimed that neither the compensation for the acquired land has been paid nor possession of the land has been taken. Construction was existing thereon before issuance of notification under Section 4 of the 1894 Act.

Learned counsel for the respondents did not dispute the fact that the compensation for the acquired land has not been received by the petitioner. However, he submitted that on the part of the acquired land, construction was existing including boundary wall before issuance of notification under Section 4 of the 1894 Act.

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 physical possession thereof had not been taken.

In the case in hand, it is the admitted position on record that the petitioner has not been paid the amount of compensation for the acquired land, though the award was announced way back in the year 2006. In addition, admittedly even the construction was existing prior to the issuance of notification under Section 4 of the 1894 Act and the petitioner is still in possession thereof.

In view of our aforesaid discussions, as ingredients laid down in Section 24(2) of the 2013 Act have been satisfied, acquisition of land measuring 15 marlas owned by the petitioner 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 petitioner 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 stands disposed of.

(Rajesh Bindal)
Judge

11.12.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No