

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

CWP No. 2154 of 2015 (O&M)

Date of decision: 30.11.2017

M/s Madhuban Software Private Limited 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. Yogesh Kumar Dahiya and
 Mr. Sunish Bindlish, Advocates, for the petitioners.

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

Ms. Adrija Das, Advocate for
Mr. Amar Vivek, Advocate, for HUDA.

Rajesh Bindal, J.

Status report by way of affidavit of Braham Parkash, Land
Acquisition Collector, Urban Estate, Rohtak, dated 29.11.2017, filed in
Court, is taken on record.

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'), as
neither the possession of the acquired land has been taken nor the
compensation thereof has been paid.

Learned counsel for the petitioners submitted that 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. The petitioners are owners and in possession of the acquired land measuring 18.825 acres situated in the revenue estates of village Patla, District Sonapat. No compensation has been paid to the petitioners on account of acquisition of land. He further submitted that on the date of the award, the land in question was under cultivation of the petitioners. The petitioners are in physical possession of the same. Sectors 62-64, where the land in question is located, has been carved out by the private developers.

Learned counsel for the State submitted that possession of the acquired land was taken by the authorities. He further submitted that the land owned by the petitioners as per revenue record is 84 kanals 8 marlas and not 151 kanals 12 marlas. However, he could not dispute the fact that compensation for the acquired land was not paid to the petitioners. However, he submitted that the possession was taken and even entries were made in the revenue record.

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 view of our aforesaid discussions, as ingredients laid down in Section 24(2) of the 2013 Act have 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.

For the reasons mentioned above, the acquisition of land measuring 84 kanals 8 marlas owned by the petitioners is quashed.

The writ petition stands disposed of.

(Rajesh Bindal)
Judge

30.11.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned? Yes/No

Whether Reportable Yes/No