

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

CWP No. 21572 of 2015 (O&M)

Date of decision : 30.11.2017

M/s Aishwarya Growers Private Limited

.. Petitioner

versus

State of Haryana and another

.. Respondents

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

Present: Ms. Babli Kumari, Advocate for
 Mr. Arjun Lakhanpal, Advocate, for the petitioner.

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

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.

Claim made by the petitioner is that acquisition of land 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 the possession of the acquired land has been taken nor the compensation thereof has been paid.

Learned counsel for the petitioner submitted that notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short “the 1894 Act”), were issued on 17.11.2005 and 7.2.2006, respectively. The award was announced by the Land Acquisition Collector (for short, 'the Collector') on 2.3.2006. He submitted that the petitioner is in physical possession of the acquired land. He had filed objections under Section 18 of the 1894 Act and have also received compensation. However, he will return the compensation with interest to the State.

On the other hand, learned counsel for the State submitted that the notification under Section 4 of the 1894 Act was issued on 17.11.2005. The award was announced by the Collector on 2.3.2006. The petitioner has not filed objections under Section 5-A of the 1894 Act. The compensation determined by the Collector in the case of the petitioner was ₹ 80,72,224/-. The same has been paid to him vide cheque no. 663676 dated 10.8.2009. Possession of the land had been taken taken by the HUDA authorities vide rapat no. 71 dated 2.3.2006. The area has already been developed. Out of the land owned by the petitioner, 50 meter green belt with 18 meters wide service road and plot no. 1 has been carved out, though construction is yet to be raised thereon.

Learned counsel for the State further submitted that the objections filed by the petitioner under Section 18 of the 1894 Act were decided by the learned Reference Court. The enhanced compensation has also been deposited with the learned Reference Court.

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.

It is not in dispute that the compensation for the acquired land, as determined by the Collector, was received by the petitioner. Immediately thereafter, they filed objections under Section 18 of the 1894 Act, which were decided by the learned Reference Court. Even the enhanced compensation with also deposited with the learned Reference Court.

To show possession of the land, the petitioner has not placed on record any document. The development work in the area is complete. Even the plots have been carved out.

For the reasons mentioned above, we do not find any merit in the present writ petition. The same is accordingly dismissed.

(Rajesh Bindal)
Judge

30.11.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No