

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

CWP No. 22624 of 2014 (O&M)

Date of decision: 20.12.2017

Birender Singh 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: Ms. Rupa Pathania, Advocate, for the petitioners.

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

Rajesh Bindal, J.

Affidavit of Satish Yadav, Land Acquisition Collector, Urban
Estate, Gurugram, dated 7.12.2017, filed in Court, is taken on record.

The petitioners have approached this Court claiming that acquisition of land, 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 23.1.2004, respectively, has lapsed as neither the compensation for the acquired land has been paid nor the possession has been taken. The award was announced by the Land Acquisition Collector (for short, 'the Collector') on 20.1.2006. The area all around the land of the petitioners was purchased by the private builders and for development thereof, license was granted to them. Some part of the land adjoining to the acquired land was released from the acquisition after accepting the objections under Section 5-A of the 1894 Act, whereas certain portions of land were released after issuance of notification under Section 4 of the 1894 Act, whereas some before the award was announced after notification under

Section 6 of the 1894 Act was issued. The portion of acquired land in odd shape in different pockets cannot possibly be utilized by the State. No development activity has been carried out till date. In fact, it cannot possibly be developed. The area of Sector-19, Gurugram, for which the license has been granted, was already developed by the private builders.

Learned counsel for the State did not dispute the fact that the compensation for the acquired land has not been taken by the petitioners, which is lying deposited with the Collector. Further the fact that in the same area, certain portions of land were released after accepting objections under Section 5-A of the 1894 Act is not denied. It is further not disputed that the acquired land falls within the area for which license has been granted to the private builders as no other area acquired by the State is adjoining to it. Some portion of land adjoining to the acquired land was even not finally acquired. No development on the land in question has been carried out till date. Construction is existing on the acquired land ever since it was acquired.

Heard learned counsel for the parties and perused the paper book.

Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, '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 has not been taken.

In the case in hand, it is the admitted position on record that the

petitioners have not received the amount of compensation for the acquired land. In addition, admittedly construction existed on the acquired land prior to issuance of notification under Section 4 of the 1894 Act and is still existing and the petitioners are in possession thereof. The acquired land falls within the area for which license has been granted to the private builders as no other area acquired by the State is adjoining to it. It is also not disputed that some portion of land adjoining to the acquired land was even not finally acquired. No development on the land in question has been carried out till date.

In view of our aforesaid discussions, as ingredients laid down in Section 24(2) of the 2013 Act have been satisfied, acquisition of land in question 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.

The writ petition stands disposed of.

(Rajesh Bindal)
Judge

20.12.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned	Yes/No
Whether Reportable	Yes/No