

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

CWP No. 1777 of 2017 (O&M)

Date of decision: 5.12.2017

Ram Kanwar Yadav

.. Petitioner

VS

State of Haryana and others

.. Respondents

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

Present: Mr. Sandeep Sharma, 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.

Affidavit of Satish Yadav, Land Acquisition Collector, Urban
Estate, Gururgram, dated 3.12.2017, filed in Court, is taken on record.

The petitioner has approached this Court claiming that acquisition of land comprised in Khasra No. 710/2 (225 square yards) in village Wazirabad, District Gurugram, 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 possession of the acquired land has been taken though compensation thereof has been paid. It was submitted that notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act'), were issued on 5.5.1997 and 4.5.1998, respectively. Award was announced by the Land Acquisition Collector on 3.5.2000.

Learned counsel for the petitioner further submitted that out of the total land owned by the petitioner, 755 square yards of land was released initially after the objections were filed under Section 5-A of the 1894 Act. Subsequently, CWP No. 17727 of 1998 – Siri Pal and others vs State of Haryana and others was filed, which was disposed of 16.8.1999. In terms of the directions given therein, additional 145 square yards of land was released, making it a total of 900 square yards. The petitioner had even deposited EDC for 900 square yards of land. The total land owned by the petitioner was 1125 square yards. Construction was existing thereon. As the possession of the aforesaid land has not been taken by the State, the acquisition qua the same has lapsed. The petitioner will return the amount of compensation received.

On the other hand, learned counsel for the respondents did not dispute the facts as stated by learned counsel for the petitioner regarding release of 900 square yards of land at different stages and further regarding existence of construction on 225 square yards of land, which is part of the same compound.

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, the admitted position on record is that out of 1125 square yards of land owned by the petitioner, 900 square yards was

released earlier as the construction was existing. The petitioner had deposited EDC for that. For 225 square yards of land, the petitioner had received the compensation, however, he remained in possession thereof, as it was part of the same compound. As one of the ingredients contained in Section 24(2) of the 2013 Act has been complied with, acquisition of land measuring 225 square yards has lapsed. Ordered accordingly. As the amount of compensation has been received by the petitioner, he will return the same to the State within three months from the date of receipt of copy of the order along with interest at the same rate on which interest paid under the 1894 Act to him. Amount to be paid by the petitioner be calculated and informed to the petitioner within one month from the date of receipt of copy of the order.

The writ petition stands disposed of accordingly.

(Rajesh Bindal)
Judge

5.12.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No