

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

CWP No. 23417 of 2014 (O&M)

Date of decision: 20.12.2017

Sudershan Gogia 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. Sandeep K. Rana, Advocate for
 Mr. A. R. Takkar, 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 4.12.2017, filed in Court, is taken on record.

Learned counsel for the petitioners submitted that acquisition
of the acquired land for which notifications under Sections 4 and 6 of the
Land Acquisition Act, 1894 (for short, 'the 1894 Act'), were issued on
8.3.1989 and 7.3.1990, respectively, has lapsed as neither the possession
thereof had been taken nor compensation was paid to them. Award was
announced by the Land Acquisition Collector (for short, 'the Collector') on
5.3.1992. The construction on the acquired land was existing prior to

issuance of notification under Section 4 of the 1894 Act. The total land owned by the petitioners is 8 marlas. From one side, it is connected with road, the other side the land was released from acquisition and on the third side, the land is not acquired. The width of the land of the petitioners is about 20 feet.

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 and further on all three sides there is no adjoining land acquired by the State. Construction existed on the acquired land 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 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. The State cannot develop this part of the land, as on one side of it, the land was released from acquisition, on second side, the land is not acquired and the third side is connected with road. The width of the land in question is about 20 feet. The petitioners having raised

construction prior to issuance of notification under Section 4 of the 1894 Act are still in possession thereof.

For the reasons mentioned above, in our opinion, ingredients as contained in Section 24(2) of the 2013 Act having been complied with, the acquisition of land measuring 8 marlas 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
Whether Reportable

Yes/No
Yes/No