

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 21762 of 2016 (O&M)
Date of decision: 11.5.2017

Charan Singh and others

.. Petitioners

v.

The State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Sandeep Sharma, Advocate for the petitioners.
Mr. Ankur Mittal, Addl. Advocate General, Haryana.

Rajesh Bindal J.

The petitioners have approached this court claiming the relief that acquisition has lapsed in view of the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 (for short, 'the 2013 Act').

State of Haryana, vide notification dated 20.4.1990, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act') sought to acquire land, situated in villages Jharsa, Kanhai, Samaspur and Bindapur, Tehsil and District Gurgaon for Recreational area at Gurgaon. The same was followed by notification dated 18.4.1991, issued under Section 6 of the 1894 Act. The Land Acquisition Collector announced the award on 23.3.1993.

It is not in dispute that the amount of compensation on account of acquisition of land had been received by the petitioners. The claim is sought to be made on the ground that possession of the land has not been

taken. A perusal of the photographs (Annexure P-13) attached with the petition shows that these are merely some kacha huts existing on small portion of land and the construction also apparently has been raised much after the acquisition of land. The total land owned by the petitioners, as stated in para No. 2 of the petition, is 2,100 square yards.

Considering the aforesaid factual matrix, where the petitioners have encroached upon the land much after the acquisition and after receiving the compensation therefor, we do not find any reason to invoke the provisions of Section 24(2) of the 2013 Act. The petition is, accordingly, dismissed.

(Rajesh Bindal)
Judge

(Ramendra Jain)
Judge

11.5.2017
mk

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No