

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

CWP No. 19242 of 2017 (O&M)
Date of decision: 20.12.2017

Jasbir Singh

.. Petitioner

VS

State of Haryana and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Gurvinder 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, Gurugram, dated 20.12.2017, filed in Court, is taken on record.

Learned counsel for the petitioner 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
12.8.2003 and 10.8.2004, respectively, has lapsed as neither the possession
thereof had been taken nor compensation was paid to him. Award was
announced by the Land Acquisition Collector (for short, 'the Collector') on
8.8.2006. He further submitted that for the land all around the land owned
by the petitioner, license has been granted to the private builders for
development as residential and commercial areas. Small portion of land
owned by the petitioner is not connected with any other land acquired by

the State, hence, this small portion of land cannot possibly be developed as it has no access, unless the access is provided 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 petitioner and further that the land owned by the petitioner is surrounded from all sides by the land for which license has been granted to the private builders for development as residential and commercial areas.

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 petitioner has not received the amount of compensation for the acquired land. All around the land owned by the petitioner, license has been granted to the private builders for development as residential and commercial areas and the small portion of land owned by the petitioner is not connected with any other land acquired by the State. It has no access, except the access provided by the private builders.

For the reasons mentioned above, in our opinion, one of the ingredients as contained in Section 24(2) of the 2013 Act having been complied with, the 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 landowner 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 petitioner 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