

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

CWP No. 23859 of 2015 (O&M)

Date of decision : 5.12.2017

Gopi Chand and others

.. Petitioners

versus

State of Haryana and others

.. Respondents

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

Present: Mr. Vikram Singh, Advocate and
Mr. H.S. Dhillon, Advocate, for the petitioners.

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

Rajesh Bindal, J.

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

The petitioners have filed the present petition claiming that 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'), the acquisition has lapsed, as the petitioners
have neither been paid compensation for the acquired land nor possession
thereof has been taken from them. 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 (for short, 'the Collector') on 3.5.2000.

Learned counsel for the petitioners submitted that on the land owned by the petitioners construction had been raised and the petitioners are still in physical possession thereof. He further submitted that the amount of compensation therefor has not been received.

On the other hand, learned counsel for the State submitted that the petitioners had filed objections under Section 5-A of the 1894 Act, which were rejected. The claim made by the petitioners that construction was existing on the acquired land is incorrect. Some construction is existing on about 300 square yards of land. Rest of the area is lying vacant. Compensation for the acquired land was deposited by the State in Court of Additional District Judge on 23.5.2007. The petitioners were at liberty to withdraw the same from there.

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 physical possession thereof has not been taken.

In the case in hand, as far as possession is concerned, it was not in dispute that the petitioners are in possession of the area to the extent of 300 square yards, on which some construction had been raised. Rest of the land was lying vacant. As far as compensation for the acquired land is concerned, it was submitted by learned counsel for the State that the same

was deposited with the Court of Additional District Judge on 23.5.2007. In view of the aforesaid fact the petitioners are able to make out the case only for lapsing of acquisition to the extent of 300 square yards, on which construction was existing and which is still in their possession.

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 qua 300 square yards of land has lapsed. The petitioners shall be entitled to withdraw the compensation from the Court for the balance land, whereas the State shall be at liberty to withdraw the compensation qua 300 square yards of land, for which, the acquisition has lapsed.

The State shall also 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 is disposed of accordingly.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

5.12.2017
sharmila

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