

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

**CWP No. 23006 of 2016 (O&M)**

Date of decision : 11.12.2017

Smt. Rajbala 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. Sandeep Sharma, 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 neither compensation for the acquired land has been paid to the petitioners nor possession thereof has been taken from them. It was submitted that petitioners were owners of 6 biswas of land forming part of khasra No.575 min, on which they had constructed house prior to issuance of notification under Section 4 of the 1894 Act. The petitioners are still in physical possession of the land in question.

Learned counsel for the State did not dispute the fact that house was existing on the land of the petitioners prior to issuance of notification under Section 4 of the 1894 Act and compensation therefor has not been received by the petitioners. However, he submitted that while appreciating the objections filed by the petitioners under Section 5-A of the 1894 Act, out of the acquired land, 173 square yards of land was released from acquisition. The fact that the petitioners are still in physical possession of the acquired land is not disputed by the State. Compensation for the acquired land has not been received by the petitioners.

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, it is admitted position on record that construction had been raised by the petitioners on the acquired land i.e. 6

biswas of land forming part of khasra No.575 min, prior to issuance of notification under Section 4 of the 1894 Act. Compensation for the acquired land has not been paid to the petitioners and the petitioners are still in physical possession of the land. The State had released 173 square yards of land of the petitioners from acquisition, while accepting objections filed by the petitioners under Section 5-A of the 1894 as construction was existing thereon.

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.

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 allowed.

(Rajesh Bindal)  
Judge

(Gurvinder Singh Gill)  
Judge

11.12.2017  
sharmila

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