

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 2422 of 2015 (O&M)
Date of decision: 18.12.2017

Bhoop Singh

.. Petitioner

v.

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Roopak Bansal, Advocate for the petitioner.
Mr. Ankur Mittal, Additional Advocate General, Haryana with
Mr. Manoj Dhankhar and Shivendra Swaroop, Assistant
Advocate General, 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.

The petitioner has approached this court claiming that the
acquisition in question has lapsed 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'), as
neither possession of the acquired land has been taken nor the compensation

thereof has been paid.

Learned counsel for the petitioner submitted that notifications for acquisition of the said land under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act') were issued on 24.8.2000 and 22.8.2001, respectively. Award was announced by the Land Acquisition Collector on 21.7.2003.

Learned counsel for the petitioner prayed for lapsing of acquisition invoking the provisions of Section 24(2) of the 2013 Act claiming that construction had been raised thereon prior to the issuance of notification under Section 4 of the 1894 Act. His house falls in Khasra No. 22//10. Compensation for the acquired land has not been paid to the petitioner.

At the very out-set, learned counsel for the State submitted that after accepting the objections filed by the landowner under Section 5-A of the 1894 Act, 1 kanal and 12 marlas of land was released, which is forming part of khasra No. 22//10. House of the petitioner measuring 200 square yards falls in the area, which had been released after accepting the objections filed under Section 5-A of the 1894 Act, hence, the petitioner does not have any cause of action.

After hearing learned counsel for the parties and considering the stand taken by learned counsel for the State that house of the petitioner constructed on 200 square yards of plot in Khasra No. 22//10 was released from acquisition after accepting the objections filed under Section 5-A of the 1894 Act, in our view, the prayer made in the present petition does not survive.

The petition stands disposed of accordingly.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

18.12.2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No