

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

CWP No. 19868 of 2017 (O&M)

Date of decision: 5.12.2017

Ram Singh @ Ram Kishan

.. Petitioner

VS

The State of Haryana and others

.. Respondents

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

Present: Mr. Govind Chauhan, Advocate, for the petitioner.

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

Rajesh Bindal, J.

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 the possession of the acquired land has been taken nor the compensation thereof has been paid.

Notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act'), were issued on 22.3.1990 and 19.3.1991, respectively. Initially 3 *bighas* land of the petitioner was acquired, however, 9 biswas of land was released under Section 5-A of the

1894 Act. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 16.3.1993. He further submitted that on the acquired land, construction was already existing before publication of the notification under Section 4 of the 1894 Act and the petitioner is in possession thereof ever since then. It is claimed that neither the compensation for the acquired land has been paid nor possession of the land has been taken. No development work has been carried out though the land was acquired way back in the year 1990.

Learned counsel for the respondents submitted that out of 3 bighas of land, 9 biswas of land had already been released and the remaining is lying vacant. However, he did not dispute the fact that the compensation determined by the Collector has not been paid to the petitioner. The compensation assessed by the learned Reference Court was deposited with the learned Reference Court in the year 2001. The possession of the acquired land was taken by the authorities.

In response learned counsel for the petitioner submitted that actual possession of the acquired land is with the petitioner. Only the entries have been made in the revenue record.

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 had not been taken.

In the case in hand, it is the admitted position on record that the petitioner has not been paid the amount of compensation for the acquired land. Initially 9 biswas of land was released finding construction existing thereon. However, now as the photographs suggest area is thickly populated. No development has been carried out though the land was acquired way back in the year 1990.

In view of our aforesaid discussions, the ingredients as laid down in Section 24(2) of the 2013 Act having been satisfied, acquisition of land owned by the petitioner has lapsed.

However, the State shall 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 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 is disposed of accordingly.

The State is at liberty to withdraw the amount deposited with the learned Reference Court.

(Rajesh Bindal)
Judge

5.12.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No