

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

CWP No. 25159 of 2014 (O&M)

Date of decision : 4.12.2017

Maman Singh 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. Sushil K. Sharma, Advocate for
Mr. M.L. Sharma, Advocate,
Mr. Shailendra Jain, Senior Advocate with
Mr. Gaurav Aggarwal, Advocate and
Mr. Satyendra Chauhan, 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.

Mr. Anil K. Rana, Advocate for
Mr. Lokesh Sinhal, Advocate and
Ms. Neha Rathi, Advocate for
Mr. Amar Vivek, Advocate, for the HSIIDC.

Rajesh Bindal, J.

This order will dispose of a bunch of writ petitions bearing CWP Nos.25159 of 2014, 1988, 18578 of 2015 and 25206 of 2016, as common questions of law and facts are involved therein.

The petitioners have filed the present petitions 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 17.9.2004 and 27.10.2004, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 9.3.2006.

Learned counsel for the petitioners submitted that neither compensation for the acquired land has been received by the petitioners nor possession thereof has been taken from them. It was submitted that petitioners the owners of the acquired land, on which construction was existing prior to issuance of notification under Section 4 of the 1894 Act. In CWP No. 1988 of 2015, a petrol pump was existing before the acquisition. It was further submitted that there is no development in the area till date. The petitioners are still in physical possession of the land in question. Learned counsel for the petitioners further submitted that the State deposited the amount of compensation with the Court in the years 2014-2015 only after enactment of the 2013 Act though the acquisition in question pertains to the year 2004.

Learned counsel for the State did not dispute the fact that the State deposited the amount of compensation with the Court in the years 2014-2015 after enactment of the 2013 Act. It is also not in dispute that there is no development in the area till date. The acquired land of the petitioners was lying vacant at the time of issuance of notification under Section 4 of the 1894 Act and still agricultural activities are going thereon. The fact that the petitioners are still in physical possession of the acquired land is also not disputed by the State.

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 possession thereof has not been taken.

In the cases in hand, it is admitted position on record that though the acquisition in question pertains to the year 2004, however, the State deposited the amount of compensation with the Court in the years 2014-2015 after the 2013 Act came into force. The petitioners are the owners of the land in question and they had constructed residential houses and had set up a petrol pump thereon. The petitioners are in physical possession of the acquired land and carrying on their agricultural activities. The respondents had acquired the area in question for planning of residential sector by HSIIDC, but still there is no development in the area.

For the reasons mentioned above, in our opinion, one condition 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 withdraw the amount of compensation as deposited with the Court qua the present petitioners.

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 petitions are allowed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

4.12.2017
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No