

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

CWP No. 25220 of 2014 (O&M)

Date of decision: 5.12.2017

Saroj Maheshwari

.. Petitioner

vs

State of Haryana and others

.. Respondents

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

Present: Mr. Chetan Mittal, Senior Advocate with
Mr. Anil Kumar Rana, Advocate, for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana,
Mr. Shivendra Swaroop and Mr. Manoj Dhankhar, Assistant
Advocate Generals, 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 of land measuring 6 marlas, comprised in Khewat No. 630, Khata No. 690, Rectangle No. 5, Killa No. 16/19, situated in village Kadipur, Tehsil and District Gurugram, 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. It was submitted that notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for

short, 'the 1894 Act'), were issued on 8.3.1989 and 7.3.1990, respectively.

Award was announced by the Land Acquisition Collector on 30.12.1996.

It was further submitted that the land in question is surrounded by thickly populated area known as Krishna Colony. It cannot be put to any use by the respondents due to this reason. The actual physical possession of the land in dispute has never been taken by the authorities. The petitioner is still continuing in possession of the land in question. It is lying vacant. No development work has yet been started on the land in question.

Learned counsel for the State could not dispute the fact that compensation for the acquired land was not paid to the petitioner and the same is lying vacant.

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 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 and the same is lying vacant. No development activity has yet started on the land in question as land is surrounded by thickly populated area known as 'Krishna Colony'.

In view of our aforesaid discussions, as ingredients laid down in Section 24(2) of the 2013 Act have been satisfied, acquisition of land measuring 6 marlas 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 landowner 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 stands disposed of.

(Rajesh Bindal)
Judge

5.12.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned?	Yes/No
Whether Reportable	Yes/No