

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

CWP No. 20563 of 2017 (O&M)

Date of decision: 18.12.2017

Kalawati and others

.. Petitioners

VS

State of Haryana and another

.. Respondents

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

Present: Mr. Vikram Singh and Mr. Hardeep Singh Dhillon, Advocates,
for the petitioners.

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 16.12.2017, filed in Court, is taken on record.

The petitioners have approached this Court claiming that acquisition of land in question comprised in khasra no. 1489, 1492/1 (1-1), 1493 (1-8), 1494 (1-3), total measuring 4 bighas 4 biswas, of land situated in village Wazirabad, Hadbast No. 75, 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.

Learned counsel for the petitioners submitted that notifications 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 State fairly did not dispute the fact that the compensation for the acquired land has not been taken by the petitioners. However, he submitted that on part of the acquired land owned by the petitioners road has already been constructed whereas on part of other portion of land, the internal sector road has been planned, which is yet to be constructed. He further submitted that on the part of the land owned by the petitioners, license has been granted for development as residential and commercial area. The land is otherwise lying vacant.

He further submitted that in case the acquisition of the land lapses in view of Section 24(2) of the 2013 Act, the State can provide land to the petitioners in one compact block excluding the land required for construction of roads.

Learned counsel for the petitioners submitted that the petitioners do not have any objection to acquisition of land for construction of roads and further for the left over portions of land, which are scattered at 2-3 places, the petitioners may be given land in a compact block. The compensation for the land acquired for the roads be paid.

After hearing learned counsel for the parties, the present writ petition is disposed of upholding the acquisition of land required for construction of roads, subject to payment of compensation therefor. However, with a direction to the respondents to give land to the petitioners in exchange equivalent to their land excluding the land required/ utilized for

construction of roads in a compact block. In case land to be given in exchange is found to be little less, compensation be paid even for the same. The area will be demarcated by the authorities on 8.2.2018 after informing the petitioners. The needful shall be done within four months.

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 petitioners shall maintain status quo regarding the land in question for a period of six months to enable the State to take decision.

(Rajesh Bindal)
Judge

18.12.2017
vs

(Gurvinder Singh Gill)
Judge

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