

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

CWP No. 25508 of 2015 (O&M)

Date of decision : 6.11.2017

Bhagwan Dass and others

.. Petitioners

versus

The State of Haryana and others

.. Respondents

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

Present: Mr. Vipin Sharma, Advocate for
 Mr. Surinder Mohan Sharma, Advocate, for the petitioners.

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

Rajesh Bindal, J.

Claim made by the petitioners is that acquisition of land 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.

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 19.6.1987 and 26.10.1987, respectively. He submitted that mother of petitioner nos. 1 and 2 was held to be the owner of the suit land by the learned Reference Court in a Reference Petition filed

under Sections 18 and 30 of the 1894 Act. Even then the Collector has not paid the compensation to the petitioners. The award was announced way back on 23.10.1989.

On the other hand, learned counsel for the State submitted that the petitioners are not the owners of the acquired land. As there was dispute regarding entitlement of compensation, a sum of ₹ 1,28,088/- were deposited in Court on 17.7.1997. He further submitted that the possession of the acquired land has already been taken on 23.10.1989 vide rapat no. 106, and sector dividing road of sectors 25 & 56A/58, two acres category plot and green park of Sector 25, Faridabad, have already been constructed thereon long back.

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 possession of the acquired land was taken way back on 23.10.1989 vide rapat no. 106. The authorities have already developed the area by constructing roads, etc. The petitioners are not the owners of the acquired land. They filed Reference Petition under Section 30 of the 1894 Act. As there was dispute, the amount of compensation for the acquired land was deposited by the State in the Court on 17.7.1997.

Once the compensation for the acquired land was deposited in Court and the possession thereof was taken by the authorities, we do not find that any case is made out for declaring that the acquisition in question has lapsed in view of Section 24(2) of the 2013 Act.

The writ petition is dismissed.

(Rajesh Bindal)
Judge

6.11.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No