

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

CWP No. 24674 of 2016 (O&M)

Date of decision : 31.5.2017

Ganpat

.. Petitioner

versus

State of Haryana and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mrs. Justice Sneh Prashar**

Present: Mr. H.P.S. Ishar, Advocate, for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana.

Rajesh Bindal, J.

The petitioner has approached this Court claiming that the acquisition proceedings have lapsed in terms of the provisions of Section 24(2) the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the 2013 Act').

In the case in hand, the land was sought to be acquired for the purpose of construction of Tourist Complex. Notification under Section 4 of the Land Acquisition Act, 1894 (for short, the 1894 Act') was issued on 14.2.1995. The same was followed by notification dated 24.7.1995 issued under Section 6 of the 1894 Act. It is not disputed that the petitioner has already been paid the amount of compensation for the acquired land. The contention raised by learned counsel for the petitioner is that possession of the acquired land has not been taken till date, it is still lying as such, as Tourist Complex, for which the land was acquired has not been constructed

in the last more than two decades. One platform has been constructed on the land in dispute, which was used for Ramleela purpose, is still existing. As possession of the land has not been taken, the acquisition proceedings lapsed under Section 24 (2) of the 2013 Act.

On the other hand, learned counsel for the State submitted that total acquired land was 46 bighas 5 biswas, out of which the petitioner owns only a small piece of land measuring 12 biswas, which was lying vacant even at the time of acquisition and is so throughout. Possession of the land was taken immediately after the compensation was paid way back in the year 1996. The petitioner has already received compensation. RFA No.5433 of 2001 filed by the petitioner seeking further enhancement of compensation is pending in this Court. Even foundation stone for the Tourist Complex was laid down on 22.1.1996 by the then Chief Minister of Haryana, however, somehow the project could not take off. As none of the conditions laid down in Section 24(2) of the 2013 Act are complied with, the writ petition deserves to be dismissed being devoid of merit.

After hearing learned counsel for the parties, we do not find any merit in the present petition. Admittedly the amount of compensation has been received by the petitioner. He even filed objections to the award of the Land Acquisition Collector and presently appeal filed by the petitioner seeking further enhancement of compensation is pending in this Court. Out of total acquired land measuring 46 bighas 5 biswas, the petitioner owns merely 12 biswas of land. The land at the time of acquisition and even till date is lying as such. It is not the case of the petitioner that any construction had been raised by him on the land in question prior to the acquisition.

Merely because the land is lying un-utilized, the plea cannot be accepted

that it is still in possession of the landowners though after the acquisition thereof he had already received compensation therefor.

For the reasons mentioned above, we do not find any merit in the present petition. The same is accordingly dismissed.

(Rajesh Bindal)
Judge

(Sneh Prashar)
Judge

31.5.2017
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No