

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 25650 of 2015 (O&M)
Date of decision: 18.12.2017

Tej Ram Yadav

.. Petitioner

v.

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Jaivir Yadav, Advocate for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana with
Mr. Manoj Dhankhar and Shivendra Swaroop, Assistant
Advocates General, 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 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 possession of the acquired land has been taken nor the compensation
thereof has been paid.

Learned counsel for the petitioner submitted that notifications
for acquisition of the said land 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 (for short, 'the Collector') on 21.7.2003.

He further submitted acquisition of land measuring 6 marlas owned by the petitioner forming part of khasra No. 22//2/2/2 has lapsed, as neither possession of the aforesaid area has been taken nor compensation thereof has been paid. Construction was existing on this portion of land prior to the issuance of notification under Section 4 of the 1894 Act. He further submitted that one portion of this plot is adjoining the road, whereas on all other sides, either there is released portion of land or licences have been granted to the builders. The portion of this land is not connected with any land acquired by the State.

Learned counsel for the State did not dispute the fact that compensation for the acquired plot has not been taken by the petitioner. Further there is construction existing thereon prior to the issuance of notification under Section 4 of the 1894 Act. He further submitted that some small portion of land shall be required by the State for proper alignment of the road.

Learned counsel for the State did not dispute the fact that on all sides of the plot owned by the petitioner, the area has been developed by the builders after grant of licences and there is no land adjoining to the land of the petitioner, which was acquired on this side of the road.

Learned counsel for the petitioner submitted that the petitioner does not have any objection to the acquisition of land only to the extent it is required for the purpose of alignment of road. For that, he may be paid compensation, however, acquisition qua other portion of the land would lapse.

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 5 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 physical possession thereof has not been taken.

However, as consented by learned counsel for the parties, the State shall be entitled to take possession of the portion of the land, which is coming in the road alignment, however, subject to payment of compensation therefor. The petitioner, if required, will demolish any portion of boundary wall for the purpose, however, not affecting the main building.

For the reasons mentioned above, in our opinion, ingredients as contained in Section 24(2) of the 2013 Act having been complied with, the acquisition of land has lapsed except the portion of the land which is coming in the road alignment. The State shall be entitled to take possession thereof, subject to payment of compensation therefor. The area will be demarcated by the authorities on 8.2.2018 after informing the petitioners.

The writ petition stands disposed of accordingly.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

18.12.2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No