

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

CWP No. 26852 of 2014 (O&M)

Date of decision: 16.11.2017

Ran Singh and others

.. Petitioners

VS

The State of Haryana and others

.. Respondents

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

Present: Mr. Yogesh Kumar Dahiya and
Mr. Sunish Bindhlish, Advocates, for the petitioners.

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

Rajesh Bindal, J.

The petitioners have 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 the possession of the acquired land has been taken nor the compensation thereof has been paid.

Challenge in the present writ petition has been made to the acquisition where notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 were issued on 17.11.2005 and 7.2.2006, respectively.

Learned counsel for the respondents did not dispute the fact that the compensation for the acquired land has not been paid to the petitioners. However, he submitted that part of the acquired land is required for completion of project namely, Eastern Peripheral Expressway (EPE) in the Rajiv Gandhi Education City Sonipat. To avoid any litigation pertaining to the areas of the land falling within the Eastern Peripheral Expressway, the State has decided to offer equivalent land in exchange to the landowners, whose land has been acquired for the purpose. Hence, in the case of the petitioners as well for the area which is required for Eastern Peripheral Expressway, equivalent area will be allotted to them.

After hearing learned counsel for the parties, we find that the important projects for infrastructure development should not be kept on hold only for the reason that certain issues regarding challenge to the acquisition are pending, especially for the reason that the State has decided not to contest those cases and offer the landowners equivalent land in exchange, hence, the acquisition of land required for Eastern Peripheral Expressway is upheld. However, it is directed that whatever area of land is to be given to the petitioners in exchange, the needful shall be done within a period of four months.

As far as the rest of the land is concerned, it is the admitted case of the parties that the compensation for the acquired land has not been paid to the petitioners. Hence, one of the conditions as contained in Section

24(2) of the 2013 Act having been complied with, the acquisition for that portion of land has lapsed.

The writ petition stands disposed of accordingly.

(Rajesh Bindal)
Judge

16.11.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned
Whether Reportable

Yes/No
Yes/No