

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

CWP No. 25320 of 2016 (O&M)

Date of decision: 20.12.2017

Yash Pal

.. Petitioner

VS

The State of Haryana and others

.. Respondents

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

Present: Mr. Shailendra Jain, Senior Advocate with
Mr. Harman Jivtesh Singh, Advocate, for the petitioner.

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 4.12.2017, filed in Court, is taken on record.

Learned counsel for the petitioner submitted that acquisition
of the acquired land for which notifications under Sections 4 and 6 of the
Land Acquisition Act, 1894 (for short, 'the 1894 Act'), were issued on
8.3.1989 and 7.3.1990, respectively, has lapsed as neither the possession
thereof had been taken nor compensation paid to him. Award was
announced by the Land Acquisition Collector (for short, 'the Collector') on
5.3.1992. The construction on the acquired land was existing prior to
issuance of notification under Section 4 of the 1894 Act. It was further
submitted that all around the land of the petitioner, the land was either

finally not acquired or subsequently released from the acquisition.

Learned counsel for the State did not dispute the fact that the compensation for the acquired land has not been taken by the petitioner, which is lying deposited with the Collector and further the area is presently thickly populated as number of kacha-packa construction are existing in the form of colony.

Heard learned counsel for the parties and perused the paper book.

Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, '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 physical possession thereof has not been taken.

In the case in hand, it is the admitted position on record that the petitioner has not received the amount of compensation for the acquired land. The State cannot develop this part of the land, as the land adjoining thereto was either finally not acquired or subsequently released from the acquisition. It is also admitted that the area is thickly populated and number of kacha-packa construction is existing over the acquired land.

For the reasons mentioned above, in our opinion, one of the ingredients as contained in Section 24(2) of the 2013 Act having been complied with, the acquisition of land in question has lapsed.

However, the State shall be at liberty to either initiate fresh proceedings for acquisition of land or negotiate with the landowner 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 petitioner shall maintain status quo regarding the land in question for a period of six months to enable the State to take decision.

The writ petition stands disposed of.

(Rajesh Bindal)
Judge

20.12.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No