

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

CWP No. 25398 of 2016 (O&M)

Date of decision: 18.12.2017

Ant Ram Tanwar

.. Petitioner

VS

State of Haryana and others

.. Respondents

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

Present: Mr. Sandeep Sharma, 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 4/5.12.2017, filed in Court, is taken on record.

The petitioner has approached this Court claiming that acquisition of land, for which notifications 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, has lapsed as possession of the acquired land measuring 150 square yards forming part of khasra no. 7//12/1/1/2 was not taken by the State as construction was existing on part thereof. Compensation for the acquired land has been taken by the petitioner, however, he will return the same back to the State along with interest.

Learned counsel for the State submitted that after accepting the objections filed by the petitioner constructed portion out of khasra no.

7//12/1/1/2 was recommended for release, however, finally in the award entire area of this khasra number was mentioned and the petitioner received the compensation thereof. The enhanced compensation was deposited in the Court on 26.5.2011. As far as possession is concerned, it is not disputed that on 150 square yards of plot construction was existing prior to issuance of notification under Section 4 of the 1894 Act.

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 on 150 square yards of plot the construction was existing prior to the issuance of notification under Section 4 of the 1894 Act and the petitioner is still in possession of the constructed portion. The objections filed by the petitioner were accepted and constructed portion out of khasra no. 7//12/1/1/2 was recommended for release, however, in the award entire area was mentioned and the petitioner even received the compensation thereof. The enhanced compensation deposited in the Court on 26.5.2011 has not been withdrawn by the petitioner.

In view of our aforesaid discussions, as ingredients laid down in Section 24(2) of the 2013 Act have been satisfied, acquisition of land measuring 150 square yards owned by the petitioner has lapsed.

The area will be demarcated by the authorities on 8.2.2018 after informing the petitioner. Amount of compensation received by the petitioner be returned back along with interest as per the policy of HUDA within three months from the date of receipt of notice in this regard. The authority concerned shall calculate the amount and the interest and inform the petitioner within one month from the date of receipt of notice. Enhanced compensation deposited in Court can be withdrawn by the department.

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

18.12.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned	Yes/No
Whether Reportable	Yes/No