

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

CWP No. 27252 of 2015 (O&M)

Date of decision : 4.12.2017

Ram Dhani Singh and others

.. Petitioners

versus

State of Haryana and others

.. Respondents

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

Present: Mr. Navneet Singh, Advocate, for the petitioners.

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

Rajesh Bindal, J.

The petitioners have filed the present petition claiming that 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'), the acquisition has lapsed, as the petitioners have neither been paid compensation for the acquired land nor possession thereof has been taken from them. Notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act') were issued on 22.6.2006 and 20.6.2007, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 28.11.2008.

Learned counsel for the petitioners submitted that neither compensation for the acquired land has been paid to the petitioners nor possession thereof has been taken from them. It was submitted that the petitioners are the owners to the extent of 630 square yards of land and they

had constructed houses thereon prior to issuance of notification under Section 4 of the 1894 Act. The respondents had released the adjoining areas from acquisition. The land in dispute falls in between the released area and there is no access to the land. It was further submitted that the petitioners are still in physical possession of the land in question.

Learned counsel for the State did not dispute the fact that the petitioners are the owners of 630 square yards of land and there were houses constructed thereon prior to issuance of notification under Section 4 of the 1894 Act. The fact that the petitioners are still in physical possession of the acquired land is also not disputed by the State and further that compensation for the acquired land has not been received by the petitioners.

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 has not been taken.

In the case in hand, it is admitted position on record that neither compensation for the acquired land has been paid to the petitioners nor possession thereof has been taken from them. The petitioners are the owners to the extent of 630 square yard of land and they had constructed houses thereon prior to issuance of notification under Section 4 of the 1894 Act. The land in dispute falls in between the areas, which the State had already been released from acquisition and there is no access to the land.

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 in question has lapsed.

The writ petition is allowed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

4.12.2017
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No