

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

CWP No. 27509 of 2015 (O&M)

Date of decision : 4.12.2017

Karan 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. Sanjay Verma, Advocate,
 Mr. Sandeep Sharma, Advocate and
 Ms. Indu Bala, Advocate for
 Mr. Aditya Jain, 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.

Mr. Anil K. Rana, Advocate for
Mr. Lokesh Sinhal, Advocate, for the HSIIDC.

Rajesh Bindal, J.

This order will dispose of a bunch of writ petitions bearing
CWP Nos. 27509 of 2015, 694, 903, 909, 1221, 1228, 1266, 1489, 2771,
2938, 5118 and 5732 of 2016, as common questions of law and facts are
involved therein.

The petitioners have filed the present petitions 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
25.11.2005 and 24.11.2006, respectively. Award was announced by the

Land Acquisition Collector (for short, 'the Collector') on 24.2.2007.

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. They had constructed cattle shed thereon and also cultivating the land. The petitioners are still in physical possession of the land in question. The respondents had acquired the area in question for development as residential sector by HSIIDC, but still there is no development in the area. It was further submitted that initially substantial portion of the land was not acquired by the respondents. Learned counsel for the petitioners further submitted that the State deposited the amount of compensation with the Court in the year 2015 only after the 2013 Act came into force.

Learned counsel for the State did not dispute the fact that the State deposited the amount of compensation with the Court in the year 2015 after the 2013 Act come into force. It is also not in dispute that there is no development in the area. The acquired land of the petitioners was lying vacant at the time of issuance of notification under Section 4 of the 1894 Act. After acquisition of land, the petitioners have constructed some tin shed thereon and some portion is still lying vacant.

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 cases in hand, it is admitted position on record that initially major part of the land was not acquired by the respondents. Though the acquisition in question pertains to the year 2005, however, the State deposited the amount of compensation with the Court in the year 2015 after the 2013 Act came into force. The petitioners are in physical possession of the acquired land. Though it was lying vacant at the time of issuance of notification under Section 4 of the 1894 Act but now the petitioners have raised construction thereon. The respondents had acquired the area in question for planned development as residential sector by HSIIDC, but still there is no development in the area.

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.

However, the State shall be at liberty to withdraw the amount of compensation deposited with the Court qua the present petitioners. It shall also be at liberty to either initiate fresh proceedings for acquisition of land or retain the same by negotiating with the landowners in accordance with law. The petitioners shall maintain status quo regarding the land in question for a period of six months for enabling the State to take decision.

The writ petitions are disposed of accordingly.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

4.12.2017
sharmila

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