

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

CWP No. 26762 of 2016 (O&M)

Date of decision : 4.12.2017

Krishan Kumar and another

.. 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 received 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.

Learned counsel for the State submitted that after announcement of award by the Collector, possession of the acquired land was delivered to HSIIDC on the same day vide Patwari Rapat Rojnamacha Vakyati Rapat No.302. It was further submitted that the State had deposited the amount of compensation with the Court in January 2015. It was further submitted that the acquired land was lying vacant at the time of issuance of notification under Section 4 of the 1894 Act and even now it is 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 case in hand, it is admitted position on record that compensation for the acquired land was deposited by the State in Court in January, 2015 even though award was announced by the Collector on 28.11.2008. It was much after the enactment of the 2013 Act.

For the reasons mentioned above, in our opinion, one condition 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 in the case of present petitioners.

The State shall also be at liberty to either initiate fresh proceedings for acquisition of land or negotiate with the landowners 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 petitioners 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 is allowed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

4.12.2017
sharmila

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