

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

CWP No. 26942 of 2016 (O&M)

Date of decision : 27.11.2017

Mukhtiar 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. Adarsh 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.

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 of the land 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 14.4.1974 and 10.2.1976, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 21.10.1976.

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 co-owners to the extent of 2 kanals 10 marlas of land. Prior to issuance of notification under Section 4 of the 1894 Act, they had raised construction on the land in dispute. The land of the petitioners is adjoining to Abadi area. The petitioners are still in physical possession of the land in question. It was further stated that though the acquisition is quite old however, the authorities still have not prepared plan for development of the area.

Learned counsel for the State did not dispute the fact that the compensation for the acquired land has not been paid to the petitioners. Ownership of the petitioners of the land was not disputed by the State. The fact that the petitioners are still in physical possession of the plot is also not disputed by the State.

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 has not been paid to the petitioners. As regards possession of the land is concerned, the submission of the petitioners is that they are still in physical possession of the plot, as construction was raised prior to issuance of notification under Section 4 of the 1894 Act, which fact was admitted by learned counsel for the State.

As the conditions laid down under Section 24(2) of the 2013 Act, are made out in the present case, the acquisition in question, qua the petitioners has lapsed.

The writ petition is allowed.

As issue regarding preparation of layout plans and other issues which are general in nature were also taken up in the present case, order having not been complied with fully, the matter be listed for that purpose on 24.1.2018.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

27.11.2017
sharmila

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