

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

CWP No. 27440 of 2016 (O&M)

Date of decision: 30.11.2017

Mahender Singh and another

.. Petitioners

vs

The State of Haryana and others

.. Respondents

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

Present: Mr. Yogesh Kumar Dahiya and
Mr. Sunish Bindhlish, Advocates, for the petitioners.

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

Rajesh Bindal, J.

Status report by way of affidavit of Braham Parkash, Land Acquisition Collector, Urban Estate, Rohtak, dated 29.11.2017, filed in Court, is taken on record.

The petitioners have approached this Court claiming that the acquisition in question has lapsed 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”), as neither the possession of the acquired land has been taken nor the compensation thereof has been paid.

Notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act'), were issued on 17.11.2015 and 7.2.2006, respectively. Award was announced by the Land Acquisition Collector on 2.3.2006. It is claimed that neither the compensation for the acquired land has been paid nor possession of the land has been taken.

Learned counsel for the respondents did not dispute the fact that the compensation for the acquired land was not received by the petitioners. However, he submitted that the acquired land is required for completion of project namely, Eastern Peripheral Expressway (EPE) in the Rajiv Gandhi Education City Sonipat. To avoid any litigation pertaining to the areas of the land falling within the Eastern Peripheral Expressway, the State has decided to offer equivalent land in exchange to the landowners, whose land has been acquired for the purpose. Hence, in the case of the petitioners as well, for the area which is required for Eastern Peripheral Expressway, equivalent area will be allotted to them.

After hearing learned counsel for the parties, we find that the important projects for infrastructure development should not be kept on hold only for the reason that certain issues regarding challenge to the acquisition are pending, especially for the reason that the State has decided not to contest those cases and offer the landowners equivalent land in exchange, hence, the acquisition of land required for Eastern Peripheral Expressway is upheld. However, it is directed that whatever area of land is to be given to the petitioners in exchange, the needful shall be done within a period of four months.

The writ petition stands disposed of accordingly.

(Rajesh Bindal)
Judge

30.11.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No