

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

CWP No. 3268 of 2016 (O&M)

Date of decision : 5.12.2017

Samey Singh and another

.. Petitioners

versus

The State of Haryana and another

.. Respondents

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

Present: Mr. Vikram Singh and Mr. H. S. Dhillon, Advocates,
 for the petitioners.

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

Rajesh Bindal, J.

Affidavit of Satish Yadav, Land Acquisition Collector, Urban
Estate, Gurugram, dated 4.12.2017, filed in Court, is taken on record.

Claim made by the petitioners is that acquisition of land 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 the possession of
the acquired land has not been taken.

Learned counsel for the petitioners submitted that notifications
under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short “the
1894 Act”), were issued on 24.8.2000 and 22.8.2001, respectively. The

award was passed by the Land Acquisition Collector (for short, 'the Collector') on 21.7.2003. He submitted that the petitioners are in actual physical possession of the acquired land. They had filed objections under Section 18 of the 1894 Act and have also received enhanced compensation, however, they will return the compensation along with interest to the State.

On the other hand, learned counsel for the respondents submitted that in the case in hand the petitioners are trying to misuse the process of law by invoking the provisions of the 2013 Act claiming that the acquisition has lapsed, though the possession of the acquired land was taken vide rapat no. 569 dated 21.7.2003, which was lying vacant. After possession was taken the area has already been developed. The land in question has been earmarked for a college. The petitioners had not filed objections under Section 5-A of the 1894 Act. Even the compensation for the acquired land has already been paid to the petitioners. Hence, they cannot be permitted to invoke the provisions of Section 24(2) of the 2013 Act on that issue.

After hearing learned counsel for the parties, we do not find any merit in the present writ petition. It is not in dispute that the compensation for the acquired land, as determined by the Collector, was received by the petitioners. The petitioners being satisfied with the acquisition, admittedly filed objections under Section 18 of the 1894 Act, which were decided by the learned Reference Court vide award dated 2.3.1996. Even the enhanced compensation as determined by the learned Reference Court was also received by the petitioners in the year 2012. No objection under Section 5-A of the 1894 Act were filed. The development

work in the area is complete. The possession of the land in question has been taken and the same has been earmarked for a collage.

For the reasons mentioned above, we do not find any merit in the present writ petition. The same is accordingly dismissed.

(Rajesh Bindal)
Judge

5.12.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No