

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

**CWP No. 3298 of 2016 (O&M)**

Date of decision : 11.12.2017

Asha Ram Sharma 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. Sanjay Mittal, 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.**

Affidavit of Satish Yadav, Land Acquisition Collector, Urban Estate, Gurugram, Haryana dated 7.12.2017 filed in Court is taken on record.

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 possession of the acquired land has not been taken from them. Notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act') were issued on 27.1.2003 and 23.1.2004, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 20.1.2006.

Learned counsel for the petitioners submitted that though they had received compensation for the acquired land however, possession thereof has not been taken from them. The petitioners claimed that they are the owners of 2 kanals 5 marlas of land.

On the other hand, learned counsel for the State did not dispute the fact that the petitioners were the owners of the acquired land. The land was lying vacant at the time of issuance of notification under Section 4 of the 1894 Act. He further submitted that compensation for the acquired land was paid to the petitioners vide cheque No.316561 dated 19.4.2006. He further submitted that the possession of the acquired land was taken by HUDA vide rapat No.344 dated 20.1.2006.

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 physical possession thereof has not been taken.

In the case in hand, it is the admitted position on record that the possession of the acquired land was taken by HUDA way back on 20.1.2006. The land was lying vacant at the time of issuance of notification under Section 4 of the 1894 Act. Compensation for the acquired land was paid to the petitioners vide cheque No.316561 dated 19.4.2006.

Once the compensation for the acquired land has been received by the petitioners and the possession thereof was taken by the authorities,

we do not find that any case is made out for declaring that the acquisition in question has lapsed in view of Section 24(2) of the 2013 Act.

The writ petition is accordingly dismissed.

(Rajesh Bindal)  
Judge

(Gurvinder Singh Gill)  
Judge

11.12.2017  
sharmila

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