

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.544 of 2015 (O&M)

Date of Decision:- 19.12.2017

Mange Ram 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. N.D. Achint, 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 preferred the present petition claiming that the acquired land in question, be returned to them, as it remained unutilized for a period of more than five years. Provisions of Section 101 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the 2013 Act') have been invoked. Notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short 'the 1894 Act') were issued on 13.11.1981 and 24.1.1984, respectively. Award was announced by the Land Acquisition Collector on 2.5.1986.

As stated by the respondents in the written statement filed, amount of compensation for the acquired land was paid to the land owners mentioned in the revenue record. Further acquisition being not under the 2013 Act, Section 101 thereof cannot be invoked.

Section 101 of the 2013 Act, which has been invoked to seek return of the land, is reproduced below:-

“Return of unutilised land:- When any land, acquired under this Act remains unutilised for a period of five years from the date of taking over the possession, the same shall be returned to the original owner or owners or their legal heirs, as the case may be, or to the Land Bank of the appropriate Government by reversion in the manner as may be prescribed by the appropriate Government.

Explanation:- For the purpose of this section, “Land Bank” means a governmental entity that focuses on the conversion of Government owned vacant, abandoned, unutilised acquired lands and tax-delinquent properties into productive use.”

A bare perusal of the aforesaid provision shows that a land owner can seek return of the land, which is acquired under the 2013 Act, in case it remains unutilised for a period of five years from the date of taking over of possession. Undisputedly, the land in question was not acquired under the 2013 Act but it was acquired under the 1894 Act.

Considering the aforesaid facts, we do not find that any case is made out for interference by this Court in the present petition and the same is accordingly dismissed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

19.12.2017

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No