

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

CWP No. 4751 of 2016 (O&M)

Date of decision : 11.12.2017

Khushi Ram 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 7/11.12.2017 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, physical possession thereof has not been taken from them. The petitioners are owners of 3 kanals 19 marlas of land.

On the other hand, learned counsel for the State did not dispute the fact that the petitioners were owners of the acquired land. However, 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 cheques No.130663 and 130664 dated 31.12.2009 . He further submitted that the possession of the acquired land has already been taken by HUDA vide rapat No.354 dated 20.1.2006. Learned counsel for the State further submitted that 1 kanal of land of the petitioners was released by the State under Section 48 of the 1894 Act, as there was construction existing.

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 way back on 20.1.2006 by HUDA. The land was lying vacant at the time of issuance of notification under Section 4 of the 1894 Act. Constructed area measuring 1 kanal was released under Section 48 of the 1894 Act by the State. Compensation for the acquired land was paid to the petitioners vide cheques No.130663 and

130664 dated 31.12.2009. Possession of the acquired land was taken by HUDA vide rapat No.354 dated 20.1.2006.

Once the compensation for the acquired land has already 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 dismissed accordingly.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

11.12.2017
sharmila

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