

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

CWP No. 4772 of 2016 (O&M)

Date of decision : 13.11.2017

Raghubir Singh

.. Petitioner

versus

State of Haryana and others

.. Respondents

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

Present: Mr. Rajinder Singh Malik, Advocate, for the petitioner.

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 petitioner has 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 the petitioner has neither been paid compensation for the acquired land nor possession of the land has been taken from him. Notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act') were issued on 9.11.1992 and 6.11.1993, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 5.11.1995.

Learned counsel for the petitioner submitted that only small portion of land, which is located on GT Road was acquired on this side otherwise, the entire acquisition of the land was on the other side of GT Road. Compensation for the acquired land has not been paid to the petitioner. He is even in physical possession of the land as till date no

development activity has been carried out. In fact, the land is also very small portion as it is measuring 1 Kanal 13 Marlas. Khasra number owned by the petitioner may have been wrongly added in acquisition with the large chunk of land, which is located on the other side of GT Road.

On the other hand, learned counsel for the State did not dispute the fact that the compensation for the acquired land has not been paid to the petitioner. He further did not dispute the fact that a very small portion of land was acquired vide notification dated 9.11.1992 issued under Section 4 of the 1894 Act, which is located on this side of GT Road, whereas the entire chunk of land is otherwise located on the other side. He further did not dispute the fact that the land has yet not been planned for development.

After hearing learned counsel for the parties and considering the submissions made, in our view, there is merit in the present petition.

Admittedly, compensation for the acquired land has not been paid to the petitioner and apparently there is error in adding the Khasra number of the land owned by the petitioner for acquisition of land vide notification dated 9.11.1992. Admittedly entire chunk of land is located other side of GT Road on which development has also been carried out, whereas on this side it has not been developed and only a small portion of land has been acquired, which even cannot be planned for development.

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 possession thereof has not been taken.

For the reasons mentioned above, if the facts of the case are

considered in the light of conditions laid down in Section 24(2) of the 2013 Act, in our view, the acquisition in question would lapse, as neither the possession of the acquired land has been taken nor the compensation thereof has been paid to the petitioner.

Ordered accordingly.

The petition stands disposed of.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

13.11.2017

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