

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

CWP No. 5070 of 2016 (O&M)

Date of decision: 30.11.2017

Ramesh Kumar

.. Petitioner

VS

State of Haryana and others

.. Respondents

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

Present: Mr. Chanderhas Yadav, Advocate, for the petitioner.

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

Rajesh Bindal, J.

Status report by way of affidavit of Braham Parkash, Land Acquisition Collector, Urban Estate, Rohtak, dated 29.11.2017, filed in Court is taken on record.

The petitioner has approached this Court claiming that the acquisition 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 neither the possession of the acquired land has been taken nor the compensation thereof has been paid.

Learned counsel for the petitioner has submitted that notifications for acquisition of the said land under Section 4 and 6 of the Land Acquisition Act, 1894 (for brevity 'the 1894 Act'), were issued on 17.11.2005 and 7.2.2006, respectively. Award was announced by the Land Acquisition Collector on 2.3.2006.

Learned counsel for the petitioner further submitted that the petitioner owned 7 marlas of plot, situated in the revenue estate of village Asawarpur, Tehsil and District Sonapat. Neither the compensation for the acquired land has been paid nor possession of the land has been taken. He further submitted that on the acquired land, construction was already existing before publication of the notification under Section 4 of the 1894 Act and the petitioner is in possession ever since then. The petitioner had even filed objections under Section 5A of the 1894 Act. Even the compensation for the structure existing on the acquired land was not assessed.

Learned counsel for the State fairly did not dispute the fact that construction was existing on the acquired land prior to the issuance of notification under Section 4 of the 1894 Act. The award was announced by the Land Acquisition Collector on 2.3.2006, however, the compensation has not been received by the petitioner.

After hearing learned counsel for the parties, we find merit in the present writ petition. Admittedly, on the plot owned by the petitioner, which was acquired, there was construction existing prior to the issuance of notification under Section 4 of the 1894 Act. The petitioner has not been paid the compensation for the acquired land.

As ingredients laid down under Section 24(2) of the 2013 Act,
have been complied with, the acquisition in question has lapsed.

The writ petition stands disposed of.

(Rajesh Bindal)
Judge

30.11.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No