

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

CWP No. 7300 of 2014 (O&M)

Date of decision : 11.12.2017

Vikram Singh 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. Nitin Jain, 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 3.12.2017 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 the petitioners
have neither been paid compensation for the acquired land nor possession
thereof has been taken from them. Notifications under Sections 4 and 6 of
the Land Acquisition Act, 1894 (for short, 'the 1894 Act') were issued on
5.5.1997 and 4.5.1998, respectively. Award was announced by the Land
Acquisition Collector (for short, 'the Collector') on 3.5.2000.

Learned counsel for the petitioners submitted that neither

compensation for the acquired land has been paid to the petitioners nor possession thereof has been taken from them. It was submitted that petitioners are the owners of 500 square yards of plot forming part of khasra No.1809, on which they had constructed house prior to issuance of notification under Section 4 of the 1894 Act. The petitioners are still in physical possession thereof.

Learned counsel for the State did not dispute the fact that house was existing on the land of the petitioners on the date of issuance of notification under Section 4 of the 1894 Act. It was submitted that as there was dispute regarding apportionment of compensation, the State deposited the same in the Court of Additional District Judge on 1.12.2000. The fact that the petitioners are still in physical possession of the acquired land is not in dispute.

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 possession thereof has not been taken.

In the case in hand, it is admitted position on record that construction had been raised by the petitioners on the acquired land i.e. 500 square yards forming part of khasra No.1809, prior to issuance of notification under Section 4 of the 1894 Act. Though the State had deposited the amount of compensation with the Court on 1.12.2000,

however, the petitioners still have not withdrawn the same. The petitioners are still in physical possession of the land.

For the reasons mentioned above, in our opinion, ingredients as contained in Section 24(2) of the 2013 Act having been complied with, the acquisition of land in question has lapsed. However, the State shall be at liberty to withdraw the amount of compensation deposited with the Court in the case of present petitioners.

The State shall also be at liberty to either initiate fresh proceedings for acquisition of land or negotiate with the landowners for purchasing/ retaining the land in accordance with law, in case the land in question is required for completion of any project or otherwise. The petitioners shall maintain status quo regarding the land in question for a period of six months to enable the State to take decision.

The writ petition is allowed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

11.12.2017
sharmila

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