

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 28064 of 2017 (O&M)
Date of decision: 19.12.2017

Ravijeet Singh Grover and others

.. Petitioners

v.

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Harsh Bunger, Advocate for the petitioners.

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

...

Rajesh Bindal J.

The petitioners have 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 possession of the acquired land has been taken nor the compensation thereof has been paid.

Learned counsel for the petitioners submitted that notifications for acquisition of the said land under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act') were issued on 31.12.1982

and 9.11.1983, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 27.1.1984.

Learned counsel for the petitioners further submitted that for the land measuring 4 Biswas owned by the petitioners, neither compensation has been paid nor possession thereof has been taken. In fact, the petitioners had raised construction of a hotel after getting the site plan approved from Municipal Corporation, Gurugram on 23.3.1989. The hotel has been constructed on a total area of 7,800 square yards. Small portion of the land in question, measuring 4 Biswas, is being utilised by the petitioners as set back from the main road. The same is being used for ingress and outgress. The small portion has no connectivity with any other portion of the land acquired by the State, hence, otherwise also is of no use. It cannot possibly be developed.

Learned counsel for the State did not dispute the fact that compensation for the acquired land has not been received by the petitioners and further that a small portion of land has no connectivity with any other portion of land acquired by the State. It is in the front portion of hotel of the petitioners being used by them as ingress and outgress to the hotel.

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 admitted position on record that neither compensation for the acquired land has been paid to the petitioners nor possession thereof has been taken from them. Small portions of land fall between the hotel of the petitioners and the road. Hotel has been constructed with permission from the authorities. The small portion of the land is being utilized by them for ingress and outgress to the hotel. There is no other land of the State adjoining to the acquired 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.

The writ petition is allowed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

18.12.2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No