

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

CWP No. 2828 of 2017 (O&M)

Date of decision: 30.11.2017

Arjun Singh and another

.. Petitioners

VS

The State of Haryana and others

.. Respondents

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

Present: Mr. Vikram Punia, Advocate, for the petitioners.

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

Rajesh Bindal, J.

This order will dispose of a bunch of writ petitions bearing CWP Nos. 2828, 5042, 5105, 5107 and 7393 of 2017, as common questions of law and facts are involved therein.

Status report by way of affidavit of Braham Parkash, Land Acquisition Collector, Urban Estate, Rohtak, dated 29.11.2017, filed in Court in CWP Nos. 5042, 5105, 5107 and 7393 of 2017, is taken on record.

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

Challenge in the present writ petition has been made to the

acquisition where notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 were issued on 6.5.1982 and 2.5.1985, respectively. Award was announced by the Land Acquisition Collector on 1.5.1987. 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 petitioners are in possession ever since then. No development work has been carried out after the land was acquired. The entire acquired area is lying vacant. 0% compensation has been disbursed.

Learned counsel for the respondents did not dispute the fact that the compensation for the acquired land has not been paid to the petitioners and further that there was construction existing on the part of the acquired land prior to issuance of notification under Section 4 of the 1894 Act. The petitioners are still in possession thereof.

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 had not been taken.

In the case in hand, it is the admitted position on record that the petitioners have not been paid the amount of compensation for the acquired land. In addition, admittedly even the construction was existing prior to the issuance of notification under Section 4 of the 1894 Act and the petitioners

are still in possession of the constructed portion. Neither any development has been carried out nor any development plan has been prepared. The land is lying vacant. None of the landowners has been paid any compensation.

In view of our aforesaid discussions, the ingredients as laid down in Section 24(2) of the 2013 Act having been satisfied, acquisition of land owned by the petitioners has lapsed.

However, the State shall 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 petitions stand disposed of accordingly.

(Rajesh Bindal)
Judge

30.11.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No