

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

**CWP No. 9996 of 2014 (O&M)**

Date of decision : 11.12.2017

Chandan Lal and others

.. Petitioners

versus

State of Haryana and others

.. Respondents

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

**Present:** Mr. Pawan Kumar, Senior Advocate with  
Mr. Vipin Kumar, 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 1 bigha 18 biswas of land 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 of the land in question. It was further submitted that the area adjoining to the land of the petitioners has been released from acquisition by the State or acquisition thereof has lapsed under Section 24(2) of the 2013 Act. In case the State requires 2,000 square yards of land for widening of National Highway, the petitioners have no objection. It was further submitted that even if, there is any construction existing on that portion of land, the petitioners will remove the same.

Learned counsel for the State submitted that the claim of the petitioners that construction was existing at the time of issuance of notification under Section 4 of the 1894 Act on the entire portion of land forming part of khasra No.1809 is incorrect. In the report submitted by the Collector after considering the objections filed by the petitioners under Section 5-A of the 1894 Act, it was mentioned that the petitioners had raised construction of three rooms (10'x30'), one room (10'x25') and one room (12'x18'). Rest of the portion was lying vacant. Subsequent to the announcement of the award by the Collector and taking over possession by the State, the petitioners tried to raise further construction for which notice was issued to them on 31.7.2002. This fact clearly establishes that if any construction had been raised beyond the area, which was already existing at

the time of issuance of notification under Section 4 of the 1894 Act, the same was totally unauthorised and illegal. As there was dispute regarding apportionment of compensation, the State deposited the amount of compensation in the Court on 1.12.2000. The land adjoining to the land owned by the petitioners is in the ownership of the State, which can be properly planned and utilised.

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 on the small portion forming part of khasra No.1809, prior to issuance of notification under Section 4 of the 1894 Act. Presently on an area of about 500 square yards construction is existing. As far as compensation for the acquired land is concerned, the stand taken by learned counsel for the State was that there being dispute regarding apportionment of compensation, the land being in joint ownership, it was deposited with the court on 1.12.2000. As far as possession of the land is concerned, the undisputed fact is that on small portion of land construction was existing. It is also evident from objections filed by the petitioners under Section 5-A of the 1894 Act and the report submitted by the Collector, in which construction to the extent of three rooms (10'x30'), one room (10'x25') and one room (12'x18') was

mentioned. The fact that the petitioners had tried to raise further construction after the award was announced by the Collector is established from the fact that notice was issued to them on 31.7.2002, when they tried to raise unauthorised construction on part of khasra No.1809 on area about (140'x30').

As far as compensation is concerned, the same was deposited by the State with the Court in the year 2000. The petitioners are at liberty to withdraw the same. As far as possession is concerned, the respondents have been able to establish that the petitioners are having small construction on the acquired land to the extent of 500 square yards, hence, acquisition of land only to that extent will lapse. Any further construction raised by the petitioners after announcement of award by the Collector was unauthorised as even notice had been issued by the competent authority pointing out the act being illegally committed by the petitioners.

For the reasons mentioned above, the present petition is allowed only to the extent that acquisition of land to the extent of 500 square yard, which is still in possession of the petitioners, has lapsed. The petitioners shall be entitled to withdraw the compensation lying with the Court according to their share, if finally determined. On the other hand, the State shall be entitled to withdraw the compensation to the extent of land, the acquisition of which has lapsed.

However, the State shall be at liberty to withdraw the amount of compensation deposited with the Court qua the present petitioners. It shall also be at liberty to either initiate fresh proceedings for acquisition of land or retain the same by negotiating with the landowners in accordance with law. The petitioners shall maintain status quo regarding the land in question

for a period of six months for enabling the State to take decision.

(Rajesh Bindal)  
Judge

(Gurvinder Singh Gill)  
Judge

11.12.2017  
sharmila

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