

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

C.W.P. No. 5682 of 2017 (O&M)
Date of decision: 20.3.2017

Ram Phal and others

.. Petitioners

VS

State of Haryana and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Harinder Singh Sidhu**

Present: Mr. N. D. Achint, Advocate, for the petitioners.

Rajesh Bindal, J.

Petitioners have challenged the order dated 29.7.2016 passed by the Zonal Committee whereby the representation with regard to examine the claim regarding lapsing of acquisition of land in terms of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act'), was rejected. The petitioners had earlier approached this Court by filing CWP No. 10754 of 2014, which was disposed of on 5.5.2015, by granting liberty to the petitioners to file a detailed and comprehensive representation raising all the pleas before the appropriate authority.

In the case in hand, the notification under Section 4 of the Land Acquisition Act, 1894 (for short '1894 Act') was issued on 6.7.1981, which was followed by notification under Section 6 of 1894 Act, dated 25.6.1982. The award was announced by the Land Acquisition Collector (for short 'the Collector') on 25.3.1983. It is not in dispute that the petitioners had received the amount of compensation assessed by the Collector. Civil Writ Petition No. 10754 of 2014 was filed in this Court raising the issue that though

amount of compensation has been received by the petitioners, but the physical possession of the land is still with the petitioners. Hence, in view of the provisions of Section 24(2) of the Act, the acquisition lapsed. The matter was considered by the Zonal Committee. The only dispute which remained was whether the possession was still with the petitioners or had been taken by the State? The finding recorded by the Zonal Committee on that count is that possession of the land in question is with HUDA and subsequently the land was planned to be used for industrial area plots were carved out.

Hence, the petitioners cannot claim that they are in possession of the land, merely because it has yet not been utilised by the department, which had acquired it.

As the petitioners do not satisfy the conditions laid down under Section 24(2) of the Act, we do not find that acquisition of the land lapsed.

There is no merit in the present petition. The same is accordingly dismissed.

(Rajesh Bindal)
Judge

20.3.2017
vs

(Harinder Singh Sidhu)
Judge

Whether speaking/ reasoned
Whether Reportable

Yes/No
Yes/No