

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

CWP No. 615 of 2017 (O&M)

Date of decision : 27.11.2017

Balkar Singh 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. Sandeep Panwar, 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.

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 9.8.2002 and 8.8.2003, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 5.8.2005.

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 the

father of petitioners No.1, 2, 6 and 7 had purchased a plot measuring 22 marlas and raised construction over the plot in question much before the acquisition. The petitioners are still in physical possession of the plot. Even as per the latest Jamabandi, the petitioners are shown to be owners of the plot.

Learned counsel for the State did not dispute the fact that the compensation for the acquired land has not been paid to the petitioners. It was not disputed that there was house constructed on the plot in question. He further did not dispute the fact that the petitioners are still in physical possession of the plot.

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 compensation for the acquired land has not been paid to the petitioners. As regards possession of the land is concerned, it is not in dispute that the petitioners are in possession of the land as construction had been raised thereon.

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

27.11.2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No