

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

CWP No. 6444 OF 2017 (O&M)

Date of decision: 29.03.2017

Basir Ahmed and ors.

.. Petitioners

vs.

State of Haryana and ors.

.. Respondents

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

Present:- Mr. P.L. Verma, Advocate
 for the petitioners.

Rajesh Bindal, J.

The petitioners, who owned 28 kanals 7 marlas of land in the revenue estate of village Rewasan, Tehsil and District Nuh (Mewat), Haryana, have filed the present petition praying for setting aside the order dated 24.01.2017 passed by the Principal Secretary to Government of Haryana, Department of Industries and Commerce rejecting the representation filed by the petitioners for release of their land from acquisition. Challenge was also made to the notifications issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, the 1894 Act) dated 31.03.2008 and 27.03.2009, respectively.

Learned counsel for the petitioners submitted that neither the compensation has been paid to the petitioners nor the possession of the acquired land has been taken. Hence, the acquisition 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).

After hearing learned counsel for the petitioners, we do not find any merit in the submission made. Notifications under sections 4 and 6 of the 1894 Act were issued on 31.03.2008 and 27.03.2009, respectively. The

award was announced by the Land Acquisition Collector on 31.05.2010. In terms of Section 24(2) of the 2013 Act benefit could be claimed by a landowner whose land had been acquired if the award had been made five years or more prior to the enactment of the 2013 Act, which came into force on 1.1.2014. As in the case, the award was passed within five years, Section 24(2) of the 2013 Act would not be applicable.

It has been noticed by the authority in the impugned communication that compensation amounting to ₹ 88,45,200/- and ₹ 74,56,050/- due to the petitioners, had been deposited with the Court of Additional District Judge, Nuh on 29.01.2015 and the actual physical possession of the land could not be taken due to continuous 'Dharna' of ex-land owners at site. The land could not be released from acquisition for the reason that it forms part of the road network and also reserved for hotel site and green belt/ open space.

For the reasons aforesaid, we do not find any ground to interfere in the impugned order.

Consequently, the present petition is dismissed.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

29.03.2017
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