

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

CWP No. 794 of 2017 (O&M)

Date of decision : 5.12.2017

Mir Singh and others

.. Petitioners

versus

State of Haryana and another

.. Respondents

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

Present: Mr. Vikram Singh and Mr. H. S. Dhillon, Advocates,
 for the petitioners.

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

Rajesh Bindal, J.

Affidavit of Satish Yadav, Land Acquisition Collector, Urban
Estate, Gurugram, dated 3.12.2017, filed in Court, is taken on record.

Claim made by the petitioners is that acquisition of land 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 the possession of
the acquired land has not been taken.

Learned counsel for the petitioners submitted that notifications
under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short “the
1894 Act”), were issued on 17.4.1989 and 16.4.1990, respectively. The
award was announced by the Land Acquisition Collector (for short, 'the
Collector') on 5.7.1990. He submitted that the petitioners are in actual
physical possession of the acquired land. They had filed objections under

Section 18 of the 1894 Act and have also received compensation, however, they will return the compensation along with interest to the State.

On the other hand, learned counsel for the respondents submitted that in the case in hand the petitioners have generated the new litigation by invoking the provisions of the 2013 Act even after receipt of enhanced compensation for acquisition of land claiming that the acquisition has lapsed as the petitioners are still in possession of land, though the possession of the acquired land had been taken by the State immediately after acquisition thereof. The area all around has already been developed. It was submitted that the notification under Section 4 of the 1894 Act was issued on 17.4.1989. The Collector announced the award on 5.7.1990. The amount of compensation was paid to the petitioners on 14.7.1990, 22.7.1990 and 18.10.1990. The petitioners had filed objections under Section 5-A of the 1894 Act. Thereafter, 11 biswas of land where construction existed was released from acquisition.

After hearing learned counsel for the parties, we do not find any merit in the present writ petition. It is not in dispute that the compensation for the acquired land, as determined by the Collector, was received by the petitioners. Area of 11 biswas on which construction existed was released initially after accepting objections filed by the petitioners. The petitioners being satisfied with the acquisition, admittedly filed objections under Section 18 of the 1894 Act, which were decided by the learned Reference Court vide award dated 2.3.1996. Even the enhanced compensation as determined by the learned Reference Court was also received by the petitioners in the year 1997. The development work in the area is complete.

For the reasons mentioned above, we do not find any merit in
the present writ petition.

The writ petition is accordingly dismissed.

(Rajesh Bindal)
Judge

5.12.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No