

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 9137 of 2017 (O&M)
Date of decision: 1.5.2017

Mukesh Kumar

.. Petitioner

v.

The State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Ravi Sharma, Advocate for the petitioner.

Rajesh Bindal J.

Land of the petitioner was acquired more than two decades back. Notification under Section 4 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act') was issued on 28.8.1992 and the award was announced by the Land Acquisition Collector on 20.1.1995. It is not in dispute that the petitioner has already received the entire compensation for the acquired land. Not only this, even objections filed under Section 18 of the 1894 Act were also decided finally and the petitioner received even the enhanced compensation. Possession of the land was taken by the authority.

Now the acquisition is sought to be challenged after more than two decades

stating that the acquired land is not of any use to the authority, hence, the acquisition may be set aside. The petitioner is ready and willing to return back the entire amount received along with interest. However, for taking such a plea, no enabling provision has been pointed out by learned counsel for the petitioner except referring to 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 petitioner does not fulfil the conditions laid down in Section 24(2) of the 2013 Act, as admittedly compensation has been received and even possession was taken by the acquiring authority.

For the reasons mentioned above, we do not find any merit in the present petition. The same is, accordingly, dismissed.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

1.5.2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No