

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

CWP No. 9327 of 2017 (O&M)

Date of decision : 27.11.2017

Vinod Kumar

.. Petitioner

versus

The State of Haryana and others

.. Respondents

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

Present: Mr. Gaurav Singla, Advocate for
Mr. Sanjiv Gupta, Advocate, for the petitioner.

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.

Written statement on behalf of respondents No.1 and 2 filed in
Court is taken on record.

The petitioner has 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 petitioner has neither been paid compensation for the acquired land nor possession of the land has been taken from him. Notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act') were issued on 2.1.2002 and 24.12.2002, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 21.12.2004.

Learned counsel for the petitioner submitted that neither the compensation for the acquired land has been paid to the petitioner nor

possession thereof has been taken from him. The petitioner had constructed a house with 'A' class construction over the land in question much before the acquisition. While accepting objections filed under Section 5-A of the 1894 Act, only 300 square yards of plot in Khasra No.40//8/1 was released from acquisition. Possession of remaining 300 square yards of land, which was left open, was not taken by the respondents till date as it is within the compound of the petitioner.

On the other hand, learned counsel for the State did not dispute the fact that the compensation for the acquired land has not been paid to the petitioner. He further submitted that after hearing objections under Section 5-A of the 1894 Act, 300 square yards of land, where the house had been constructed, was released from acquisition.

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 petitioner. As regards possession of the land is concerned, the submission of the petitioner is that there was pucca house constructed on the spot. The fact that the petitioner raised construction much before the acquisition of land is established from the fact that part of the land initially sought to be acquired, was released from acquisition. The petitioner had claimed that the entire

acquired land is in his possession. The State has not been able to produce any material on record to show that possession was actually taken by the State.

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