

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

Date of decision : 18.01.2018

1. CWP No. 1190 of 2014

Anjleena Khunger and others Petitioners

versus

The State of Haryana and others Respondents

2. CWP No. 1668 of 2015

Jagdish Chander Dhawan Petitioner

versus

The State of Haryana and others Respondents

3. CWP No. 14417 of 2017

Suresh Mehra Petitioner

versus

The State of Haryana and others Respondents

4. CWP No. 19364 of 2017

Ashok Kumar Manuja and others Petitioners

versus

State of Haryana and others Respondents

5. CWP No. 21747 of 2017

Mohan Lal and another Petitioners

versus

State of Haryana and others Respondents

6. CWP No. 23809 of 2017

Asha Malik

..... Petitioner

versus

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Ashish Aggarwal, Sr. Advocate with
Mr. Neeraj Gupta, Advocate,
Mr. Vikram Singh, Advocate,
Mr. Ajay Dabas, Advocate.
Mr. Raghav Goel, Advocate and
Mr. Govind Rana, Advocate
for Mr. Harkesh Manuja, Advocate,
for the petitioner(s).

Mr. Ankur Mittal, Addl. AG, Haryana with
Mr. Shivendra Swaroop, AAG, Haryana with
Mr. Manoj Dhankhar, AAG, Haryana.

Mr. Anil Kumar Rana, Advocate
for Mr. Lokesh Sinhal, Advocate
for HUDA in CWP No. 1190 of 2014.

Ms. Aakanksha Sawhney, Advocate
for HUDA in CWP No. 1668 of 2015.

SURYA KANT, J. (Oral)

This order shall dispose of the above captioned six writ petitions as all the writ petitions have raised a common question of law.

The facts are being extracted from CWP No. 1190 of 2014.

The petitioners in this case seek a declaration that acquisition of their properties situated within the revenue estate of villages Patti Taraf Insar and Patti Makdoom Jadgan, Tehsil and District Panipat, which was acquired vide notifications dated 23.02.1989 and 22.02.1990 issued under

Sections 4 and 6 of the Land Acquisition Act, 1894 respectively followed by the award dated 21.2.1992, has lapsed under Section 24(2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short 'Act of 2013') for the reason that neither the compensation amount was offered to them nor it has ever been deposited with the Reference Court in accordance with law. It is also the case of the petitioners that each one of them is in physical possession of the acquired land/property, where they have constructed industrial units/residential houses and/or other structures.

The respondents have filed their reply/affidavits. Further information has been furnished along with status report filed today by way of affidavit of Land Acquisition Collector, Urban Estate, Rohtak which is also taken on record.

It is an admitted fact that neither the compensation amount was paid/offered to the petitioners nor the same has been deposited with the Reference Court. It is also undeniable that the petitioners are in physical possession of the acquired property, without any intervention of any stay order passed by the Court, where some of them are in fact running their industrial units.

Since the petitioners have satisfied both the ingredients of Section 24(2) of the Act of 2013, we are of the view that there can be no escape but to hold that the impugned acquisition stands lapsed under Section 24(2) of the Act of 2013. Ordered accordingly.

At this stage, we may mention that learned State counsel has produced the lay out plan of Sectors 13 and 17, Panipat for which the subject acquisition was made. He refers to and rightly so that the en bloc release of

the petitioners' land which are small parcels located at different parts of the above mentioned sectors is likely to obstruct the facilities like internal sector roads, sewerage etc. In response thereto, learned counsel for the petitioners, on instructions from most of them who are present in Court, state at the bar that they have no objection to the extent of utilisation of their land free of costs for the purpose of construction of internal sector roads or sewerage line etc. or green belt. In view of the fair offer made by the petitioners which would ensure that the regulated development of the urban areas of Sectors 13 and 17 is not hampered, coupled with the detailed reasons already assigned by this Court in CWP No. 11445 of 2008, Ghasitu Ram v. State of Haryana (2017(3) RCR(Civil) 524) decided on 27.10.2016, we are satisfied that the petitioners are indeed entitled to the benefit of Section 24(2) of the Act of 2013. Ordered accordingly.

The authorities will be at liberty to levy external development charges on the petitioners in accordance with law and Regulations.

(SURYA KANT)
JUDGE

(ANIL KSHETARPAL)
JUDGE

January 18, 2018

sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No