

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

CWP-10309-2017

Date of decision : 18.01.2018

Rajeev Kaushik and others

..... Petitioners

versus

State of Haryana and others

..... Respondents

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

Present: Mr. Rishi Malhotra, Advocate for the petitioners.

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

SURYA KANT, J. (Oral)

The petitioners in this case seek quashing of the acquisition of their land measuring 20 kanals 6 marlas situated in village Pada, District Rohtak comprising in Rect/Mustil No. 60, Killa No. 16, 17, 18, 24/2. The above stated land was acquired by State of Haryana vide notifications dated 04.01.2002 and 31.12.2002 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 respectively, followed by the award dated 29.12.2004.

The petitioners assert that the above stated acquisition 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') as neither the compensation for the acquired

land was offered/paid to them nor it has been deposited with the Reference Court in accordance with Section 31 of the Land Acquisition Act, 1894. It is further submitted that the possession of the acquired land is also with the petitioners.

The respondents have filed their written statement as also the status report by way of affidavit of the Land Acquisition Collector, Urban Estate, Rohtak which is taken on record. It is candidly acknowledged that neither compensation amount was offered/paid to the petitioners nor it has been deposited with the Reference Court. The possession, however, is disputed by the respondents though there is no conclusive proof that the respondents ever took over physical possession of the site as only symbolic possession was taken. In this view of the matter we are satisfied that the subject acquisition stands lapsed under Section 24(2) of the Act of 2013.

Faced with this situation, learned State Counsel submits that the release of the petitioners' land from acquisition is likely to obstruct the development of so many public amenities like primary school, EWS Housing Site, R.B. Site, clinic, greenbelt and 12/18 meter wide roads. As regards thereto, learned counsel for the petitioners have fairly agreed that they have no objection to the extent of utilisation of their land for the purpose of construction of 12 and 18 meter wide internal sector roads free of costs. It appears to us that with this offer, the regulated development of the area will not be hampered. Let the remaining land of the petitioners be released keeping in view the fact that the acquisition qua thereto stands lapsed under Section 24(2) of the Act of 2013. Ordered accordingly.

Needless to say that the petitioners will be liable to pay the

development charges in accordance with law/regulations.

Petition stands disposed of.

(SURYA KANT)
JUDGE

(ANIL KSHETARPAL)
JUDGE

January 18, 2018
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No