

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

CWP No.12449 of 2017
Date of Decision: 01.02.2018

Vinod Kumar Jain & Ors.		...Petitioners
	VS.	
State of Haryana & Ors.		... Respondents

CWP No.13184 of 2017

M/s Batra Oil Company		...Petitioner
	VS.	
State of Haryana & Ors.		... Respondents

CWP No.12473 of 2017

Vandana Jain & Ors.		...Petitioners
	VS.	
State of Haryana & Ors.		... Respondents

Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Shekher Dhawan

Present: Mr. Vikram Punia, Advocate for the petitioners

Ms. Palika Monga, DAG Haryana

SURYA KANT J. (Oral)

(1) This order shall dispose of the above-captioned writ petitions as in all the three writ petitions, the petitioners have sought a declaration that the acquisition of their respective lands/properties carried out vide notifications dated 06.05.1982 and 02.05.1985 issued under Sections 4&6 of the Land Acquisition Act, 1894, respectively followed by Award No.5 dated 01.05.1987 has lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(2) The brief description of the land/property acquired in each case is tabulated in the following manner:-

	Details of acquired land/property	
	Description	Location
CWP-12449-2017	16 kanal – 4 marla	Khewat No.309//242, Khatoni No.354 and Killa No.3//19/1(9-8), 20/1(6-16) situated in village Liwaspur, Tehsil and District Sonapat
CWP-13184-2017	35 kanal – 1 marla	Khewat No.192//171 Khatoni No.218 and Killa No.5//11/2(0-9), 11/3 (2-2), 12(3-15), 19(8-0), 20(8-0), 21/2(5-4), 22(7-11) situated in village Joshi Jatan, Tehsil and District Sonapat
CWP-12473-2017	17 kanal – 14 marla	Khewat No.307//240 Khatoni No.352 and Killa No.3//11(8-0), 12(9-14) situated in village Liwaspur, Tehsil and District Sonapat

(3) The precise claim of the petitioners is that neither they have ever consented to receive compensation nor the same has been deposited with the Reference Court under Section 31 of the 1894 Act before the 2013 Act came into force. It is also the claim of petitioners that the physical possession of acquired land continues with them as may be seen from the entries in the revenue record, without any intervention by the Court of law.

(4) The Land Acquisition Collector, Rohtak has filed the status report which is taken on record. The factum of non-payment of compensation or non-deposit thereof with the Reference Court is candidly admitted. The physical possession of the petitioners over the acquired land is also not disputed though it is claimed that symbolic possession had been taken.

(5) It is also an admitted fact that a part of the same acquisition has already been declared to have lapsed under Section 24(2) of the 2013 Act by this Court in CWP No.12988 of 2016, CWP No.14392 of 2016, CWP No.14867 of 2016, CWP No.16736 of 2016, CWP No.5430 of 2014, CWP No.2828 of 2017 and other bunch of cases.

(6) Following the detailed reasons in **Ghasitu Ram vs. State of Haryana & Ors. 2017(3) RCR (Civil) 524** and **Satnam Singh & Another vs. State of Haryana & Ors. 2017(3) RCR (Civil) 579**, the instant writ petitions are allowed and the impugned acquisition *qua* the above-mentioned land/property, reproduced above, is/are declared to have lapsed under Section 24(2) of the 2013 Act.

(7) However on the analogy of the cited decisions, it is directed that the petitioners shall not change the nature of the land/properties and shall not create any third party rights in the released land for a period of one year so that if their subject property/land is required by the State for the notified public purpose, it may re-acquire the same in accordance with the 2013 Act. Even if the State Government decides not to acquire the petitioners' land, it is directed that the released land shall be used in conformity with the development plan of the area and the petitioners shall not be permitted to carry out any unauthorized/impermissible activity at the released property. Likewise, the petitioners shall be liable to pay the development charges in accordance with law.

(Surya Kant)
Judge

01.02.2018
vishal shonkar

(Shekher Dhawan)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No