

CWP-1281-2018

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HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1281-2018

Date of Decision: January 30, 2018

Satya Rishi Pal and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SHEKHER DHAWAN

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Lalit Singla, Advocate for the petitioners.

Mr.Ankur Mittal, Addl.A.G.Haryana with
Mr.Manoj Dhankhar and Mr.Shivendra Swaroop, AAG,
Haryana.

.....

SURYA KANT, J.

The petitioners seek a declaration that acquisition of their land measuring 05K-13M (out of which 240 sq.yards have already been released vide memo No.1293 dated 09.05.1994) comprising Khewat No.1176, Khata No.1528, Rect.No.98, Killa No.17(1-3), 24/1(3-17), 27(0-9), 28(0-4) situated within the revenue estate of village Jharsa, Tehsil & District Gurgaon, carried out vide Notifications dated 22.03.1990 and 19.03.1991 issued under Sections 4&6 of the Land Acquisition Act, 1894 (for brevity,'the 1894 Act') respectively, followed by the Award dated 16.03.1993 has lapsed under section 24(2) of the Right to Fair

Resettlement Act, 2013 (for brevity, 'the 2013 Act').

[2] Case of the petitioners is that regardless of the fact that the Award was passed on 16.03.1993, possession of the acquired property remained with them where several types of constructions including a Dharamshala, *pyao* (water hut), a *Hodi* (water tank) etc. have been raised. These constructions were raised much prior to issuance of Section 4 Notification. Similarly, the compensation amount for the acquired property was neither paid to the petitioners nor the same has been deposited with the Reference Court in accordance with Section 31 of the 1894 Act.

[3] The Land Acquisition Collector, Urban Estate, Gurugram, has filed the reply-cum-affidavit dated 25.01.2018, which is taken on record. It is candidly acknowledged that the petitioners have not received the compensation amount. Physical possession of the acquired property is also with the petitioners without any intervention by a Court of law which is also an admitted fact. Keeping this in view where both the ingredients of Section 24(2) of the 2013 Act stand satisfied, read with the detailed reasons assigned by this Court in Ghasitu Ram vs State of Haryana and others 2017(3) RCR (Civil) 524 and Satnam Singh and another vs State of Haryana and others 2017(3) RCR (Civil) 579, the writ petition is allowed. The impugned acquisition qua land of the petitioners is declared to have lapsed under Section 24(2) of the 2013 Act. However, the petitioners are directed to maintain status quo re: nature of land and not to 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

period. In case no such process is initiated, the petitioners shall be obligated to utilise the land strictly in accordance with the development/zoning plan of the area. They shall also be liable to pay the development charges in accordance with law.

**(SURYA KANT)
JUDGE**

January 30, 2018
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**(SHEKHER DHAWAN)
JUDGE**

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |