

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

[1] Civil Writ Petition No.22655 of 2015
Date of Decision: January 18, 2018

Anguri Devi and othersPetitioners
versus
State of Haryana and othersRespondents

[2] Civil Writ Petition No.19738 of 2016

Harish Kumar and othersPetitioners
versus
State of Haryana and othersRespondents

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

Present: Mr.N.C.Kinra, Advocate and
Mr.Sushil K.Sharma, Advocate, for the petitioners.
Mr.Ankur Mittal, Additional AG, Haryana.

-.-

Surya Kant, J. (Oral)

This order shall dispose of Civil Writ Petition Nos.22655 of 2015 and 19738 of 2016 as in both the writ petitions, the petitioners have laid challenge to acquisition of their land measuring 01 kanal 10 marla (in CWP No.22655 of 2015) comprising khasra No.16//12/5/2/4, 12/2/5/2/, 19 min, situated within the revenue estate of village Mauza Ugra Kheri, Tehsil and District Panipat and 2 kanal 1 marla (in CWP No.19738 of 2016) comprising khasra Nos.11//11/13, 12/1/2, 12/2/1, 12/2/10, 12/2, 12/1/9, 12/2/2, 11/19, 11/11 and 11/29, situated within the revenue estate of village Taraf Afgan, Tehsil and District Panipat. The above-mentioned land is part of the acquisition carried out vide notifications dated 15.12.1982 and 23.2.1985 issued under Sections 4 & 6 of the Land Acquisition Act, 1894, respectively, followed by Award dated 27.09.1985.

acquisition has lapsed under Section 24(2) of the Fair Compensation and Transparency in Land Acquisition (Rehabilitation and Resettlement) Act, 2013 as neither the compensation was paid nor has been deposited with the Reference Court under Section 31(1) of the Land Acquisition Act, 1894. Similarly, the petitioners claim that possession of the acquired land is still with them.

We have heard learned counsel for the parties and gone through the record.

In view of the admitted fact that compensation amount has neither been paid to the petitioners nor deposited with the Reference Court in accordance with law and possession of the acquired property comprising residential houses/structures is also with the petitioners, there can be no escape but to hold that the acquisition qua the properties of the petitioners has lapsed under Section 24(2) of the 2013 Act.

Ordered accordingly.

However, if the authorities require the land for any public purpose, they may acquire the same afresh within a period of one year from today.

It may also be noticed at this stage that the petitioners in CWP No.19738 of 2016 have fairly agreed that they have no objection against utilization of their land free of cost to the extent it is needed for the construction of internal sector road. It is thus directed that the land except which is required for the construction of internal sector road, be released in view of the fact that acquisition has lapsed under Section 24 (2) of the 2013 Act. The authorities may carry out the demarcation for construction of the road. They may visit the site on 05.02.2018 at 11.00 a.m.

It is to be further mentioned that according to learned State counsel, the total acquired area of the petitioners in CWP No.22655 of 2015 is 13 marla only but their learned counsel states that after the death of father of the petitioners, some additional land has fallen to their share. The authorities in the revenue department are directed to verify these facts and determine the petitioners' claim regarding total area to be released in terms of this order.

(SURYA KANT)
JUDGE

January 18, 2018
mohinder

(ANIL KSHETARPAL)
JUDGE

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