

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 24815 of 2016

Date of Decision: 24.01.2018

Smt. Sharda Devi

... Petitioner(s)

Versus

State of Haryana and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Surya Kant.
Hon'ble Mr. Justice Shekher Dhawan.**

Present: Mr. Shekhar Verma, Advocate
for the petitioner(s).

Mr. Ankur Mittal, Additional Advocate General, Haryana
with Mr. Manoj Dhankhar, Assistant Advocate General,
Haryana for respondents No. 1 & 2.

Surya Kant, J.

The petitioner seeks a declaration that the acquisition of her land measuring 8 kanals 11 marlas situated within the revenue estate of village Hodal Patti Tihar, Tehsil Palwal, District Faridabad as described in para No. 3 of the writ petition, which was acquired vide award No. 1-A dated 19.04.1984 has lapsed as the compensation amount was neither paid to her nor deposited with the Reference Court in accordance with law and thus, Section 24(2) of the of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “the Act”) is attracted.

The respondents have filed their written statement with a categorical plea that physical possession of the acquired land was taken away

back and it has been already utilized for the public purpose i.e. extension of Grain Market, Office, Staff Quarters, Goods Sheds and Farmers Rest House etc. As regard to the compensation also, the respondents have come up with a specific plea that since the petitioner did not consent to receive the compensation amount, the same was deposited with the Reference Court way back on 08.01.2003. The original records have been produced by learned counsel for respondents No.1 & 2 to show that the compensation amount was indeed deposited with the Reference Court on the above mentioned date. In this view of the matter, when none of the ingredients of Section 24(2) of the Act are satisfied, the petitioner's plea that the acquisition has lapsed, cannot be accepted.

In view of above, the instant writ petition stands dismissed.

(Surya Kant)
Judge

(Shekher Dhawan)
Judge

January 24, 2018

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No