

CM-186-2018 in/and
CWP-21594-2017 (O&M)

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HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-186-2018 in/and
CWP-21594-2017 (O&M)
Date of Decision: January 22, 2018

Gurnam Singh and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

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

- | | | |
|----|---|---------|
| 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.Sharad Aggarwal, Advocate for the petitioners.

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SURYA KANT, J.

CM-186-2018

Application is allowed subject to all just exceptions and legible
copy of Annexure P-5 is taken on record.

CWP-21594-2017

The land of the petitioners comprising khasra Nos.938, 940 and
941 situated at Taraf Insar Hal Abadi Sant Nagar, Tehsil and District
Panipat, was acquired by State of Haryana vide Notifications dated
10.05.1989 and 09.05.1990 issued under Sections 4&6 of the Land
Acquisition Act, 1894 respectively. The land was acquired for the public
purpose of development of residential and commercial area for Sector 6, 7

and 8, Urban Estate, Panipat by Haryana Urban Development Authority.

[2] The petitioners through the instant writ petition claim 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 (for brevity,'the 2013 Act') as possession of the acquired land is still with them.

[3] We have heard learned counsel for the petitioners at a considerable length and gone through the record. It is an admitted fact that the petitioners have already received compensation for the acquired land. As regard to the physical possession, the petitioners rely upon the photographs, Annexure P-8, where the acquired land is seen lying vacant, unutilised and is being used as a 'dumping ground' by the residents of neighbourhood. There is nothing on record to suggest that the petitioners are in physical control of the acquired land or that they have ever used the land for any purpose. In this view of the matter, we are satisfied that the petitioners have failed to satisfy the ingredients of Section 24(2) of the 2013 Act to claim that the impugned acquisition has lapsed.

[4] Dismissed.

**(SURYA KANT)
JUDGE**

January 22, 2018
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**(SHEKHER DHAWAN)
JUDGE**

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

**Yes/No
Yes/No**