

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-26832-2016

Date of Decision: January 29, 2018

Babu Lal

.....Petitioner

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.Sanjay Vashisth, Advocate for the petitioner.

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

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SURYA KANT, J.

The petitioner seeks quashing of administrative decision dated 13.12.2016 whereby his claim for the release of acquired land/house on the plea that such 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'), has been recommended to be rejected. Consequently, the petitioner seeks quashing of the Notifications dated 30.03.1990 and 27.03.1991 issued under Sections 4&6 of the Land Acquisition Act, 1894 (for brevity,'the 1894 Act') respectively as well as the Award dated 24.03.1993 whereby his land measuring 06 kanal-

one half share, alongwith his land measuring 18 kanal-19 marla, Mustil No.1//25/1, 4//4, 5-6-7-13-14, total area measuring 37 kanal-17 marla situated within the revenue estate of village Dumawas, was acquired for the public purpose of development of residential, commercial and institutional area, Sector 4, Rewari.

[2] It is a matter of record that the petitioner has got another residential house on the land measuring 02 kanal-11 marla situated within the revenue estate of village Rewari in respect of which he has received the compensation but he is admittedly in its physical possession. In this view of the matter, the acquisition qua the said land, measuring 02 kanal-11 marla, stands lapsed under Section 24(2) of the 2013 Act subject to the condition that the petitioner shall refund the compensation amount received by him alongwith interest at the statutory rate.

[3] Adverting to petitioner's land at village Dumawas, he has received compensation for the land measuring 08 kanal-2 marla and, thus, he now restricts his claim under Section 24(2) of the 2013 Act only in respect of land measuring 10 kanal- 16 marla. The petitioner admittedly did not receive any compensation qua the said land nor it has been deposited with the Reference Court in accordance with Section 31 of the 1894 Act. There can be no escape but to hold that the acquisition qua this land measuring 10 kanal-16 marla has also lapsed under Section 24(2) of the 2013 Act.

[4] Faced with this, learned State counsel submit that a part of the above mentioned land is required for a vital public purpose, namely, construction of internal roads of Sector 4, Rewari.

his land of village Dumawas free of cost to the extent it is required for construction of internal roads. The apprehension of the respondents that declaration under Section 24(2) of the 2013 Act would hamper the urban development, thus, has been adequately redressed. Let the demarcation of the land at village Dumawas be carried out and the land except to the extent it is needed for construction of internal roads be released under Section 24(2) of the 2013 Act within a period of three months from the date of receipt of a certified copy of this order.

(SURYA KANT)
JUDGE

January 29, 2018
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(SHEKHER DHAWAN)
JUDGE

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