

**HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.23898 of 2017
Date of Decision: 17.01.2018**

Surender Singh & Ors.

...Petitioners

VS.

State of Haryana & Ors.

... Respondents

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

Present: Mr. SK Tripathi, Advocate for the petitioners

Mr. Ankur Mittal, Addl. AG Haryana and
Mr. Manoj Dhankar, AAG Haryana

SURYA KANT J. (Oral)

(1) The petitioners seek quashing of the notification dated 19.12.2013 and 17.12.2014 issued under Sections 4&6 of the Land Acquisition Act, 1894, respectively. The contention of the petitioners is that since the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has come into force w.e.f. 01.01.2014, no notification under Section 6 of the 1894 Act could be published thereafter. The award was passed on 28.04.2016. In this view of the matter, the impugned acquisition is contrary to the scheme of 2013 Act.

(2) Learned State counsel fairly states that the controversy has been decided by a Full Bench of this Court in **Deepak Aggarwal & Ors. vs. State of Haryana & Ors. (CWP No.4371 of 2015)** decided on 31.08.2017 holding that no acquisition process could be initiated under the 1894 Act after the new Act has come into force as the date of issuance of Section 6 notification will be the date of initiation of the acquisition process.

(3) In the light of the above, the writ petition is allowed and the

impugned notifications dated 19.12.2013 and 17.12.2014 are quashed.

Needless to say that if the petitioners have already received the compensation, the same shall be returned along with interest at the statutory rate within three months from the date of receipt of certified copy of this order.

(4) Ordered accordingly.

(Surya Kant)
Judge

17.01.2018
vishal shonkar

(Shekher Dhawan)
Judge

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