

HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-30052-2017

Date of Decision: January 08, 2018

Jagbir Singh

.....Petitioner

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.Navneet Singh, Advocate for  
Mr.Sudhir Hooda, Advocate for the petitioner.

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**SURYA KANT, J.**

The petitioner purchased a plot bearing No.32 measuring 315 sq.yards on 20.02.1992 out of the land bearing Khewat No.776 Khasra No.15646/7022, 15646/7021 situated on Gohana Road within the revenue estate of village Rohtak, District Rohtak.

[2] The above-stated plot is a part of the land acquired by State of Haryana vide Notifications dated 15.12.2006 and 18.10.2007 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (for brevity, 'the 1894 Act') (since repealed). The land was purportedly acquired for the public purpose for development of dividing road between Sectors 7 and 37 developed by Haryana Urban Development Authority in the urban area of Rohtak. The award was announced on 14.03.2008. The petitioner's case is

that the acquisition qua his plot is taken to have lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as neither the compensation was paid to him nor the possession of the plot was taken. It is also the case of the petitioner that the acquired land is still lying unutilised and thus, the very public purpose has been defeated.

[3] The issue whether the acquired land has been utilised or is proposed to be utilised for a public purpose, is essentially a question of fact. Similarly, whether the petitioner has been paid compensation or it was not even deposited in the Reference Court in accordance with Section 31 of the 1894 Act is also a question of fact. Such issues can be effectively determined by the Land Acquisition Collector to whom the petitioner has already served a Legal Notice dated 20.08.2017 (P6).

[4] In this view of the matter, the instant writ petition is disposed of at this stage without expressing any views on merit with a direction to the Land Acquisition Collector, Urban Estate, Rohtak-respondent No.4 to consider the above-mentioned claim of the petitioner and decide the same by way of a reasoned order within a period of four months from the date of receipt of a certified copy of this order.

( SURYA KANT )  
JUDGE

January 08, 2018  
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( SHEKHER DHAWAN )  
JUDGE

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

Yes/No  
Yes/No