

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

CWP-4315-2021 (O&M)
Date of decision: 18.05.2022

Satyavir Dahiya

...Petitioner

Vs.

State of Haryana and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: None for the petitioner.

Mr. Saurabh Mago, AAG, Haryana.

Ritu Bahri, J. (Oral)

Petitioner is seeking direction to the respondents to release his land along with house from acquisition, which is situated in Mauza Para, Tehsil and District Rohtak keeping in view Section 24 (2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short '2013 Act').

The above said property of the petitioner was acquired vide notifications dated 04.01.2002 and 31.12.2002 (Annexures P-1 and P-2) issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short '1894 Act').

Upon notice, written statement/reply on behalf of respondent Nos. 1 and 5, by way of affidavit dated 02.12.2021 of Chander Mohan, Land Acquisition Collector, Urban Estate Department, Rohtak, has been filed. As per reply filed, after announcement of the award, possession of the land in question was taken over by the respondents and Rapat Roznamcha

No.444 dated 29.12.2004 was entered in this regard. Process of entering the

mutation in favour of beneficiary department was under process. It is further stated that total compensation was duly tendered and was available with the Land Acquisition Collector at the time of announcement of award. Out of the total awarded amount of Rs.34,68,85,977/-, a sum of Rs.24,62,84,468/- has already been disbursed and rest of the amount is available for disbursement. As far as the amount of compensation (i.e. Rs.25,131/-) due to the petitioner is concerned, he (petitioner) has not received the same. He can receive this amount from the appropriate authority. It is further stated that land of the petitioner affects the site of 12 meter wide road, 30 meter wide green belt, including 12 meter service road and Primary School, as per the development plan. This land is very much essential for the purpose, for which, it is acquired. Finally, reference has been made to the judgment passed by the Constitution Bench of Hon'ble the Supreme Court in **Indore Development Authority vs. Manoharlal and others**, AIR 2020 SC 1496, wherein it has been held that once possession is taken, the benefit of lapsing of the acquisition proceedings under Section 24 (2) of 2013 Act cannot be given.

The petitioner has not chosen to file any replication to the reply filed on behalf of the respondents.

Heard.

In the present case, as per the reply filed by the respondents, possession of the land has already been taken over by the State vide Rapat Roznamcha dated 29.12.2004. In **Indore Development Authority's** case (supra), Hon'ble the Supreme Court has specifically held that possession is taken through mode of Panchnama and Rapat Roznamcha, is a valid possession and once the possession is taken, the land vests absolutely in the State and it cannot be given back to the landowners. Since, possession in the

present case has already been taken over by the State, the petitioner cannot claim release of his land as per Section 24 (2) of 2013 Act. Further, out of the total compensation of Rs.34,68,85,977/-, amount of Rs.24,62,84,468/- has already been disbursed and rest of the amount is available for disbursement. The petitioner has not received the compensation intentionally, which comes to his share. He is at liberty to claim the compensation from appropriate authority. As per development plan, land of the petitioner affects the site of 12 meter wide road, 30 meter wide green belt, including 12 meter service road and Primary School. Therefore, this land is very much essential for acquisition. The petitioner cannot claim release of land in view of Section 24 (2) of 2013 Act.

In view of the above discussion and the land laid down by Hon'ble the Supreme Court in **Indore Development Authority's** case (supra), no case for exempting the land of the petitioner from acquisition is made out.

Resultantly, finding no merits, the present petition is dismissed.

(RITU BAHRI)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

18.05.2022
ajp

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No