

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

CWP No. 14276 of 2014 (O&M)

Date of decision : 4.12.2017

Parle Biscuits Private Limited

.. Petitioner

versus

State of Haryana and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Gurvinder Singh Gill**

Present: Ms. Alka Sarin, Advocate, for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana with
Mr. Shivendra Swaroop, Asstt. Advocate General, Haryana and
Mr. Manoj Dhankhar, Assistant Advocate General, Haryana.

Mr. Anil K. Rana, Advocate for
Mr. Lokesh Sinhal, Advocate, for the HSIIDC.

Rajesh Bindal, J.

The petitioner has filed the present petition claiming that in view of the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the 2013 Act'), the acquisition has lapsed, as the petitioner has neither received compensation for the acquired land nor possession thereof has been taken from it. Notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act') were issued on 23.1.2001 and 22.1.2002, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 20.1.2004.

Learned counsel for the petitioner submitted that neither compensation for the acquired land has been received by the petitioner nor

possession thereof has been taken from it. It was submitted that petitioner had set up its industrial unit on the acquired land much before the acquisition. Though constructed portion was released, however, open portion from within the compound was acquired. The petitioner is still in physical possession of the land in question. It was further submitted that the State deposited the amount of compensation with the Court on 11.3.2014 only after the 2013 Act came into force though the acquisition in question pertains to the year 2001.

Learned counsel for the State did not dispute the fact that the State deposited the amount of compensation with the Court on 11.3.2014 after the 2013 Act come into force. It was submitted that major part of the land owned by the petitioner was not acquired by the respondents, as there was industry set up thereon by the petitioner.

Heard learned counsel for the parties and perused the paper book.

Section 24(2) of the 2013 Act provides that acquisition of land would lapse in cases where award had been announced by the Collector five years prior to the enactment of the 2013 Act i.e. 1.1.2014, in case either the compensation for the acquired land has not been paid or the possession thereof has not been taken.

In the case in hand, it is admitted position on record that the major part of the land owned by the petitioner was not acquired by the respondents, as there was an industry set up by the petitioner thereon. Acquired land is part of same complex but was lying vacant. Though the acquisition in question pertains to the year 2001, however, the State

deposited the amount of compensation with the Court on 11.3.2014 after the 2013 Act came into force. The petitioner is still in possession of the land as it is in the compound of the petitioner's industrial unit.

For the reasons mentioned above, in our opinion, conditions as contained in Section 24(2) of the 2013 Act having been complied with, the acquisition of land in question has lapsed. However, the State shall be at liberty to withdraw the amount of compensation as deposited with the Court qua the present petitioner.

The State shall also be at liberty to either initiate fresh proceedings for acquisition of land or negotiate with the landowners for purchasing/ retaining the land in accordance with law, in case the land in question is required for completion of any project or otherwise. The petitioner shall maintain status quo regarding the land in question for a period of six months to enable the State to take decision.

The writ petition is allowed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

4.12.2017
sharmila

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