

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

CWP No. 16905 of 2014 (O&M)

Date of decision: 30.10.2017

Desh Raj Dhingra

.. Petitioner

vs

State of Haryana and another

.. Respondents

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

Present: Mr. Akshay Bhan, Senior Advocate with
Mr. Amandeep Singh Talwar, Advocate
for the petitioner in CWP No. 16905 of 2014.

None for the petitioners in CWP No.7894 of 2017.

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

Rajesh Bindal, J.

This order will dispose of two writ petitions bearing CWP No.16905 of 2014 and 7894 of 2017 as common question of law is involved in them and can be decided by a common order.

The petitioners herein have approached this Court claiming that acquisition of land in question has lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for brevity, 'the 2013 Act'). It is further submitted that neither the compensation for the acquired land has been paid nor the physical possession of the land has been taken. The

notifications for acquisition of the said land under Section 4 and 6 of the Land Acquisition Act, 1894 were issued on 20.1.2003 and 16.1.2004, respectively. Award was announced by the Land Acquisition Collector on 14.1.2006.

Learned counsel for the State does not dispute the fact that the petitioners have not been paid the entire compensation for the acquired land, which according to him, is lying with the Land Acquisition Collector. However, it is stated that the possession of the land was taken, which is though lying vacant.

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 had not been taken.

In the case in hand, it is the admitted position on record that the petitioners have not been paid the amount of compensation for the acquired land.

In view of the aforesaid discussion, in our view, the ingredients as laid down in Section 24(2) of the 2013 Act having been satisfied, acquisition of land owned by the petitioners, has lapsed.

However, the State shall 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

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

Yes/No

Yes/No