

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

CWP No. 17067 of 2015 (O&M)

Date of decision: 5.12.2017

Savitri Devi

.. Petitioner

VS

State of Haryana and others

.. Respondents

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

Present: Mr. N. D. Achint, Advocate, for the petitioner.

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

Rajesh Bindal, J.

Affidavit of Satish Yadav, Land Acquisition Collector, Urban
Estate, Gurugram, dated 4.12.2017, filed in Court, is taken on record.

The petitioner has approached this Court claiming that the acquisition of land measuring 240 square yards (7/224 share of 11 kanals 4 marlas of land, khasra no. 99//4/2 and 7/1) situated in village Jharsa, Tehsil and District Gurugram, has lapsed 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"), as neither the possession of the acquired land has been taken nor the compensation thereof has been paid. It was submitted that notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the

1894 Act'), were issued on 22.3.1990 and 19.3.1991, respectively. Award was announced by the Land Acquisition Collector on 16.3.1993. He further submitted that on the acquired land residential house was constructed before publication of the notification under Section 4 of the 1894 Act and the petitioner is in possession thereof ever since then. The petitioner had even filed objections under Section 5A of the 1894 Act.

Learned counsel for the State fairly did not dispute the fact that construction on the acquired land owned by the petitioner was existing prior to the issuance of notification under Section 4 of the 1894 Act. The award was announced by the Land Acquisition Collector on 16.3.1993. Compensation was not paid to the petitioners, as there was dispute regarding apportionment of compensation, the same was deposited in Court below.

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 construction was existing on the acquired land prior to the issuance of notification under Section 4 of the 1894 Act and the petitioner is still in possession of the constructed portion, the acquisition qua the same has lapsed under Section 24(2) of the 2013 Act. The State may withdraw the compensation deposited in Court.

However, the State shall be at liberty to either initiate fresh proceedings for acquisition of land or negotiate with the landowner 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 stands disposed of.

(Rajesh Bindal)
Judge

5.12.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned	Yes/No
Whether Reportable	Yes/No