

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

CWP No.26197 of 2014 (O&M)

Date of decision : 13.11.2017

M/s Geeta Spinning Mills (P) Limited and another

.. Petitioners

versus

State of Haryana and another

.. Respondents

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

Present: Mr. Adarsh Jain, Advocate, for the petitioners.

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

Rajesh Bindal, J.

The petitioners have 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 petitioners have neither been paid compensation for the acquired land nor possession of the land has been taken from them. Notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act') were issued on 2.3.1993 and 1.3.1994, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 28.2.1996.

Learned counsel for the petitioners submitted that on the acquired land, the petitioners had set up their industrial unit much prior to the acquisition thereof. In fact, accepting objections filed by the petitioners under Section 5-A of the 1894 Act, entire land was released from acquisition. However, inadvertently in Khasra No.156/1 min (1 Biswansi)

and Khasra No.172/1 Min (1 Biswansi) land was left out, for which no release order was passed. The release order pertaining to other portion of land was conveyed to the petitioners vide memo dated 2.1.2006 (Annexure P-6). In terms thereof in Khasra 156/1 Min (2 Bighas 8 Biswas) of land and in Khasra No.172/1 Min (1 Bigha 5 Biswas) of land was released from acquisition. The aforesaid two Biswansi of land is in possession of the petitioners from the beginning and it is part of the factory. No compensation for the aforesaid land has been paid to the petitioners.

On the other hand, learned counsel for the State did not dispute the fact that the compensation for the acquired land has not been paid to the petitioners. However, he submitted that portion of land on which industrial unit of the petitioners is situated, the same was released from acquisition. For the rest of the land, the petitioners are at liberty to claim compensation.

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

The facts as emerge in the present petition are that after the acquisition of land, 7 Bighas 16 Biswas of land was released from acquisition as is referred to in communication dated 2.1.2006 (Annexure P-6), for the reason that industrial unit of the petitioners had been set up thereon prior to the acquisition of land. Khasra numbers mentioned in the aforesaid communication are Khasra No.156/1 Min (2B-8B), 172/1 Min (1B-5B), 156/2 (0B-2B), 172/2 (IB-7B), 175/1 (2B-14B), total measuring 7 Bighas 16 Biswas of land. The claim made by the petitioners in the present petition is only pertaining to small portion of land i.e 2 Biswansi comprising in Khasra No.156/1 min (1 Biswansi) and Khasra No.172/1 Min (1 Biswansi). It is not in dispute that compensation for the aforesaid acquired

land has not been paid to the petitioners. The petitioners did not even prefer objections under Section 18 of the 1894 Act. Major portion of the land forming part of the aforesaid Khasra numbers was released from acquisition. Apparently, there was some error on account of which the area was not correctly mentioned in the release order. It is further not in dispute that the aforesaid small portion of land is in possession of the petitioners.

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.

As in the case in hand, neither compensation for the acquired land has been paid to the petitioners nor possession thereof has been taken from them, the acquisition qua Khasra No.156/1 min (1 Biswansi) and Khasra No.172/1 Min (1 Biswansi) stands lapsed in view of Section 24 (2) of the 2013 Act.

The writ petition is disposed of.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

13.11.2017
sharmila

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