

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

CWP No. 24888 of 2016 (O&M)

Date of decision: 30.10.2017

Jai Kanwar and others

.. Petitioners

VS

State of Haryana and others

.. Respondents

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

Present: Mr. Satyapal Khatri, Advocate, for the petitioners.
Mr. Ankur Mittal, Additional Advocate General, Haryana,
Mr. Shivendra Swaroop and Mr. Manoj Dhankar, Assistant
Advocate Generals, Haryana.

Rajesh Bindal, J.

The petitioners 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').

Learned counsel for the petitioners has 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 (for brevity 'the Act') were issued on 17.11.2005 and 7.2.2006 respectively while the award was announced by the Land Acquisition Collector on

2.3.2006. The petitioners had even filed the objections under Section 5A of the Act.

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, he has submitted that the land in question will affect the planning of plots and the adjoining 60 mt. wide service road. It is further submitted 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 petitioners shall maintain status quo regarding the land in question for a

The writ petition is disposed of accordingly.

(Gurvinder Singh Gill)
Judge

Yes/No