

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

CWP No. 26707 of 2014 (O&M)

Date of decision: 30.11.2017

M/s Bharat Dyes & Chemical Industries

.. Petitioner

VS

The State of Haryana and others

.. Respondents

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

Present: Mr. Yogesh Kumar Dahiya and
Mr. Sunish Bindlish, Advocates, for the petitioner.

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

Mr. Anil Chawla, Advocate, for respondent no. 4.

Rajesh Bindal, J.

Status report by way of affidavit of Braham Parkash, Land
Acquisition Collector, Urban Estate, Rohtak, dated 29.11.2017, filed in
Court is taken on record.

The petitioner has 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'), as
neither the possession of the acquired land has been taken nor the
compensation thereof has been paid.

Learned counsel for the petitioner has submitted that notifications for acquisition of the said land under Section 4 and 6 of the Land Acquisition Act, 1894 (for brevity 'the 1894 Act'), were issued on 17.11.2005 and 7.2.2006, respectively. Award was announced by the Land Acquisition Collector on 2.3.2006. Neither the compensation for the acquired land has been paid nor possession of the land has been taken. He further submitted that on the acquired land, construction was already existing before publication of the notification under Section 4 of the 1894 Act and the petitioners are in possession ever since then. The petitioner had even filed objections under Section 5A of the 1894 Act. The petitioner owned 7 kanals 2 marlas of land. The petitioner is running industrial unit in the name and style of M/s Bharat Dyes & Chemical Industries on the acquired land. It is a partnership firm registered with the Registrar of Firms, Haryana. Once industrial unit is running on the acquired land, it would not be appropriate to uproot the same.

Learned counsel for the State fairly did not dispute the fact that small scale unit was existing on the acquired land prior to the issuance of notification under Section 4 of the 1894 Act. The award was announced by the Land Acquisition Collector on 2.3.2006, however, the compensation has not been received by the petitioner.

After hearing learned counsel for the parties, we find merit in the present writ petition. Admittedly, on the land owned by the petitioner, which was sought to be acquired, there was construction existing prior to the issuance of notification under Section 4 of the 1894 Act. The same was being used by the petitioner for industrial purpose. The petitioner has not been paid the compensation for the acquired land.

As ingredients laid down under Section 24(2) of the 2013 Act,
have been complied with, the acquisition in question has lapsed.

The writ petition stands disposed of.

(Rajesh Bindal)
Judge

30.11.2017
vs

(Gurvinder Singh Gill)
Judge

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