

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.12874 of 2016
Date of Decision: 14.12.2016

Vinod Kumar & Ors.

... Petitioners

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDIP AHLUWALIA

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| 1. <i>Whether speaking/reasoned?</i> | Yes |
| 2. <i>Whether reportable?</i> | No |
| 3. <i>Whether Reporters of local papers may be allowed to see the judgment?</i> | Yes / No |
| 4. <i>To be referred to the Reporters or not?</i> | Yes / No |
| 5. <i>Whether the judgment should be reported in the Digest?</i> | Yes / No |

Present: Mr. Aashish Aggarwal, Senior Advocate with
Mr. Vijay Kajla, Advocate for the petitioners

Ms. Palika Monga, DAG Haryana

SURYA KANT, J. (Oral)

(1) The land of the petitioners situated in the revenue estate of village Faridpur, Tehsil and District Panipat fully described in para 2 of the writ petition was acquired vide award dated 07.05.1992. The instant writ petition has been filed seeking a declaration that the above-stated acquisition is deemed to have lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(2) The Land Acquisition Collector, Urban Estate, Rohtak has filed status report dated 08.12.2016 and in para 4, it is candidly admitted that the compensation amount of the petitioners is lying deposited in the account of the Land Acquisition Collector. In other words, neither the petitioners consented to receive the compensation nor it was deposited with the Reference Court as per Section 31 of the Land Acquisition Act, 1894.

(3) So far as the possession of the acquired land is concerned, petitioners' dispossession was stayed by this Court on 26.07.1999 in CWP No.9980 of 1990. That writ petition was dismissed on 07.05.2014. In this manner, the petitioners continued to retain physical possession of the acquired land for more than five years till the new Act came into force. That being so, the petitioners have fully satisfied both the ingredients of Section 24(2).

(4) For the detailed reasons assigned by this Court vide order dated 27.10.2016 rendered in CWP No.17464 of 2007 titled as Satnam Singh & Anr. vs. State of Haryana & Ors., the instant writ petition is allowed and the impugned acquisition is declared to have lapsed on both grounds as contained in Section 24(2) of 2013 Act.

(5) Having held so, we are further of the view that since Section 24(2) of 2013 Act itself in so many words contemplates the possibility of re-acquisition of the land/property in respect whereof the previous acquisition has lapsed, it is necessary to direct the petitioners to maintain *status quo* re: creation of third party rights; to keep the land/property free from all types of encumbrances and not to change the nature of land/property for a period of one year so that meanwhile the respondent-State may, if such property is needed for a "public purpose", again acquire it. Such a direction is necessitated also for the reason that in numerous cases State or its agencies have taken possession in part and development works have been executed except over that land/property in litigation. Those development works ought to be completed in public interest and the only consequence of lapsing of previous acquisition, mostly due to fault of the Government Officers/ Officials, would be that the owners of such

land/property will be entitled to compensation and other benefits admissible under the 2013 Act.

(6) Ordered accordingly.

(Surya Kant)
Judge

14.12.2016
vishal shonkar

(Sudip Ahluwalia)
Judge