

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

CWP No. 20482 of 2015 (O&M)

Date of decision : 4.12.2017

M/s Essma Felts Pvt. Ltd.

.. Petitioner

versus

State of Haryana and others

.. Respondents

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

Present: Mr. R.K. Sharma, Advocate, for the petitioner.

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 petitioner has 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 petitioner has neither received compensation for the acquired land nor possession thereof has been taken from it. Notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act') were issued on 22.6.2006 and 20.6.2007, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 28.11.2008.

Learned counsel for the petitioner submitted that neither compensation for the acquired land has been received by the petitioner nor possession thereof has been taken from it. It was submitted that the petitioner is the owner of the 5 kanals of land and the petitioner had

constructed Gaushala thereon prior to issuance of notification under Section 4 of the 1894 Act. It was further submitted that the land in question is adjoining to a factory. The petitioner is still in physical possession of the land in question.

Learned counsel for the State did not dispute the fact that there was construction on the acquired land at the time of issuance of notification under Section 4 of the 1894 Act. It was submitted that after announcement of award by the Collector, the State had deposited the amount of compensation with the Court on 4.2.2015. The fact that the petitioner is still in physical possession of the acquired land is not disputed by the State.

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 has not been taken.

In the case in hand, it is admitted position on record that the petitioner is the owner to the extent of 5 kanals of land and cow shed was existing thereon at the time of issuance of notification under Section 4 of the 1894 Act. Ever since then the petitioner is in possession of the land. Compensation for the acquired land was deposited by the State on 4.2.2015 after the enactment of 2013 Act.

For the reasons mentioned above, in our opinion, the conditions as contained in Section 24(2) of the 2013 Act having been complied with,

the acquisition of land in question has lapsed. However, the State shall be at liberty to withdraw the amount of compensation deposited with the Court qua the land of the petitioner.

The State shall also 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 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 is allowed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

4.12.2017
sharmila

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