

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-23646-2014(O&M)

Date of Decision: November 23, 2016

Ombir Singh and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

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

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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

Mr.R.D.Sharma, DAG, Haryana.

Mr.Deepak Balyan, Advocate
for respondent No.4.

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SURYA KANT, J.

Petitioners have questioned the Notifications dated 31.07.2006 and 09.08.2007 as well as the Award dated 29.07.2008 passed under the Land Acquisition Act, 1894 (for brevity, 'the 1894 Act'), on the ground that the above-stated acquisition shall be deemed to have lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for brevity, 'the 2013 Act').

[2] Nothing else is required to be referred to except para 22 of the written statement, dated 28.01.2015, filed by the Land Acquisition Collector, Faridabad. The said paragraph reads as follows:-

submitted that the award money of the petitioners & other land owners have been deposited in the court of Sh.Y.S.Rathore, ADJ Faridabad vide this office memo no.633/DRA dated 05.12.2014 vide cheque no.000249 dated 05.12.2014 amounting Rs.80,43,659/- (including Rs.2,46,347/- of the petitioner).”

[3] In view of the candid admission made by the Land Acquisition Collector that compensation amount has been first time deposited in accordance with Section 31(2) of the 1894 Act on 05.12.2014, namely, much after the 2013 Act came into force w.e.f. 01.01.2014, there can be no escape but to hold that the claim of the petitioners squarely falls within the settled parameters as explained by us in the order dated October 27, 2016 passed in CWP No.17464 of 2007 (Satnam Singh and another vs The State of Haryana and others).

[4] Consequently, it is held that the impugned acquisition is deemed to have lapsed under Section 24(2) of the 2013 Act.

[5] Ordered accordingly.

[6] Having held so, we are surely of the view that since Section 24 (2) of 2013 Act itself, in so many words, contemplates the possibility of reacquisition 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 incumbrances 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

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.

**(SURYA KANT)
JUDGE**

November 23, 2016
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**(SUDIP AHLUWALIA)
JUDGE**

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |