

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

CWP No. 27323 of 2015 (O&M)

Date of decision : 4.12.2017

Sunil Kumar

.. Petitioner

versus

State of Haryana and others

.. Respondents

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

Present: Mr. Navneet Singh, 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.

Ms. Neelam Nehra, Advocate for
Mr. Deepak Balyan, Advocate, for HSIIDC.

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 him. 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 him. It was submitted that the petitioner had purchased 182 square yards of land prior to issuance of notification under Section 4 of the 1894 Act. The petitioner is still in physical possession of the land in question.

Learned counsel for the State submitted that after announcement of award by the Collector, the State had deposited the amount of compensation with the Court on 4.2.2015. It was further submitted that the acquired land was being used for agriculture purpose at the time of issuance of notification under Section 4 of the 1894 Act and at present also the position is same. He further submitted that on the acquired land plots have been carved out and the area has been developed.

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 182 square yard of land and compensation for the acquired land was deposited by the State in Court on 4.2.2015 even though award was announced by the Collector on 28.11.2008. It was much after the enactment of the 2013 Act.

For the reasons mentioned above, in our opinion, one condition 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 in the case of present 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