

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

CWP No. 23019 of 2017 (O&M)

Date of decision : 11.12.2017

Raghubir Singh and another

.. Petitioners

versus

State of Haryana and others

.. Respondents

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

Present: Mr. Arun Jain, Senior Advocate with
 Mr. Sunil Sharma, Advocate, for the petitioners.

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.

Affidavit of Satish Yadav, Land Acquisition Collector, Urban Estate, Gurugram, Haryana dated 8.12.2017 filed in Court is taken on record.

The petitioners have 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 petitioners have neither been paid compensation for the acquired land nor possession thereof has been taken from them. Notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act') were issued on 30.10.1992 and 28.10.1993, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 26.10.1995.

Learned counsel for the petitioners submitted that neither compensation for the acquired land has been paid to the petitioners nor possession thereof has been taken from them. It was submitted that

petitioners had purchased 4 biswas i.e. 600 square yards of land, on which they had raised 'A' class construction, prior to issuance of notification under Section 4 of the 1894 Act. The petitioners are still in physical possession of the land in question.

Learned counsel for the State did not dispute the fact that the petitioners are the owners of 4 biswas i.e. 600 square yards of land and had raised 'A' class construction prior to issuance of notification under Section 4 of the 1894 Act. Compensation for the acquired land has not been received by the petitioners. Learned counsel for the State further submitted that 600 square yards of plot will be released by the State by giving it a proper shape, as presently the plot owned by the petitioners is not in proper shape and it is affecting proper planning in the area. While saving the constructed portion of the main building, the area will be demarcated. However, in that process, if some part of the boundary wall is to be demolished, the petitioners should consent for that.

Learned counsel for the petitioners submitted that the suggestion made by learned counsel for the State regarding giving proper shape to their plot, is acceptable to the petitioners. The petitioners will demolish the portion suggested by the respondents to give their plot a proper shape. He further submitted that proper passage has to be provided to the plot of the petitioners.

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 physical possession thereof has not been taken.

Acquisition of plot of the petitioners measuring 600 square yards has lapsed under Section 24(2) of the 2013 Act as neither possession thereof has been taken nor compensation paid. However, as consented by learned counsel for the parties, the State shall be at liberty to release 600 square yards of land of the petitioners by giving it a proper shape keeping in view the planned development in the area. However, in the process, it shall be ensured that main part of the building is not affected. In case any portion of boundary wall is to be demolished as consented by the petitioners, needful shall be done by them. Demarcation be carried out in the presence of the parties on 2.2.2018. The petitioners shall also be provided a proper passage to access their plot.

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 petitioners 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

11.12.2017
sharmila

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