

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15284-2016

Date of Decision: November 30, 2016

Om Parkash

.....Petitioner

Versus

The 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.S.P.Khatri, Advocate
for the petitioner.

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

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SURYA KANT, J.

The petitioners have questioned the acquisition of their land situated within the revenue estate of village Kamaspur, Tehsil and District Sonapat, fully described in para 2 of the writ petition, on the ground that acquisition of that property vide Award dated 14.01.2016 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 (for brevity, 'the 2013 Act').

The plea taken is that neither the compensation amount has been paid to them nor it was deposited with the Reference Court in accordance with Section 31 of the Land Acquisition Act, 1894 (for brevity, 'the 1894

Act'). Physical possession of the land is also claimed by the petitioners, as

according to them only symbolic possession was delivered to the beneficiary department on the date of announcement of the Award.

Land Acquisition Collector, Urban Estate, Rohtak, has filed the status report dated 27.11.2016 in which he has admitted that the compensation amount was not paid to the petitioners and the same is still lying with him. Obviously it was not deposited with the Reference Court as per Section 31 of the 1894 Act.

Petitioners have rightly contended that they are still in physical possession of the land as no conclusive proof of taking physical possession has been appended by the Land Acquisition Collector with the status report.

As a result of above discussion and for the detailed reasons assigned by us in CWP No.17464 of 2007 (**Satnam Singh and another vs The State of Haryana and others**), decided on 27.10.2016, we allow this writ petition and hold that the impugned acquisition is deemed to have lapsed under Section 24(2) of 2013 Act.

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 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.

**(SURYA KANT)
JUDGE**

November 30, 2016
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**(SUDIP AHLUWALIA)
JUDGE**

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