

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19208 of 2016
Date of Decision: 14.12.2016

Hari Ram

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

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

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|--|-----------------|
| 1. Whether speaking/reasoned? | Yes |
| 2. Whether reportable? | No |
| 3. Whether Reporters of local papers may be allowed to see the judgment? | Yes / No |
| 4. To be referred to the Reporters or not? | Yes / No |
| 5. Whether the judgment should be reported in the Digest? | Yes / No |

Present: Mr. Sandeep Panwar, Advocate for the petitioner
Mr. Ravi Dutt Sharma, DAG Haryana

SURYA KANT, J. (Oral)

(1) The land of the petitioner measuring 431.20 sq.yards fully described in para 2 of the writ petition, situated within the revenue estate of village Patti Kaisth Seth, Kaithal, District Kaithal was acquired vide award date 31.10.2005. The petitioner now seeks a declaration that the above-stated acquisition is deemed to have lapsed on both the grounds mandated in Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(2) The Land Acquisition Collector, Urban Estate, Panchkula has filed his status report dated 14.12.2016 wherein it is admitted that the petitioner has not received the compensation amount. It is averred in para 8 that the enhanced amount of compensation was deposited in the Court of Additional District Judge on 05.09.2015 which is wholly inconsequential. In other words, it is candidly admitted that the compensation amount was not deposited with the Reference Court on or before 01.01.2014 as per Section

(3) As regard to physical possession also, though it is claimed that there was no construction at the time of issue of Section 4 notification but the fact of the matter is that the petitioner has constructed A-class residential house. The photographs and other documents on record clearly suggest that the site is in physical possession of the petitioners. That being so, both the ingredients of Section 24(2) of the 2013 Act are fully satisfied.

(4) For the detailed reasons assigned by this Court vide order dated 27.10.2016 rendered in **CWP No.17464 of 2007** titled as **Satnam Singh & Anr. vs. State of Haryana & Ors.**, the instant writ petition is allowed and the impugned acquisition is declared to have lapsed on both grounds as contained in Section 24(2) of 2013 Act.

(5) Having held so, we are further of the view that since Section 24(2) of 2013 Act itself in so many words contemplates the possibility of re-acquisition of the land/property in respect whereof the previous acquisition has lapsed, it is necessary to direct the petitioner to maintain *status quo* re: creation of third party rights; to keep the land/property free from all types of encumbrances 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.

(6) Ordered accordingly.

(Surya Kant)
Judge

14.12.2016
vishal shonkar

(Sudip Ahluwalia)
Judge