

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

CWP No.23594 of 2016 (O&M)

Date of decision: 30.10.2017

Anup Kumar and another

.. Petitioners

vs

State of Haryana and another

.. Respondents

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

Present: Mr. Vikram Singh, Advocate, for the petitioners.

Mr. Ankur Mittal, Additional Advocate General, Haryana,
Mr. Shivendra Swaroop and Mr. Manoj Dhankhar, Assistant
Advocate Generals, Haryana.

Rajesh Bindal, J.

The petitioners herein have approached this Court claiming that acquisition of land in question has lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for brevity, 'the 2013 Act'). It is further submitted that neither the compensation for the acquired land has been paid nor the physical possession of the land has been taken. The notifications for acquisition of the said land under Section 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act') were issued on

23.2.1989 and 22.2.1990 respectively while the award was announced by the Land Acquisition Collector on 21.2.1992. It is further submitted that objections under Section 5A of the 1894 Act were also filed by the petitioners.

Learned counsel for the State does not dispute the fact that the petitioners have not been paid the compensation for the acquired land, which according to him, is lying with the Land Acquisition Collector. However, it is stated that the possession of the land was taken, which is though lying vacant.

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 had not been taken.

In the case in hand, it is the admitted position on record that the petitioners have not been paid the amount of compensation for the acquired land. In addition, it further transpired during the course of hearing that acquisition of major portion of land, adjoining to the land of the petitioners, has lapsed in view of Section 24(2) of the 2013 Act.

In view of the aforesaid discussion, in our view, the ingredients as laid down in Section 24(2) of the 2013 Act having been satisfied, acquisition of land owned by the petitioners, has lapsed.

However, the State shall 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 disposed of accordingly.

(Rajesh Bindal)
Judge

30.10.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned?

Yes/No

Whether Reportable

Yes/No