

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.15047 of 2016 (O&M).

Date of Decision: November 30, 2016

Ashok Kumar and others

.....Petitioners

versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.V.K.Jindal, Senior Advocate with
Mr.Akshay Kumar Jindal, Advocate, for the petitioners.
Ms.Palika Monga, DAG, Haryana.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioners are residents of village Sunderpur, Tehsil Thanesar, District Kurukshetra. They are questioning the acquisition of their land fully described in head-note of the writ petition which was acquired vide Award No.3 dated 21.07.2006. Their primary contention is that the impugned acquisition is deemed to have lapsed in view 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') as the compensation amount has been neither paid to them nor deposited with the Reference Court in accordance with Section 31 of the Land Acquisition Act, 1894. The possession of the acquired land is also claimed to be with the petitioners.

In view of the conceded position that compensation amount has been neither paid to the petitioners nor deposited with the Reference Court in accordance with Section 31 of the Land Acquisition Act, 1894, there can be no escape but to hold that the impugned acquisition is deemed to have

lapsed under Section 24(2) of the 2013 Act.

For the detailed reasons assigned in the order dated 27.10.2016 passed in **CWP No.17464 of 2007 (Satnam Singh and another versus The State of Haryana and others)** and connected matters, the instant writ petition is allowed and it is declared that acquisition of the petitioner's land vide Award dated 27.01.2006 is deemed to have lapsed.

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 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 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
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No