

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

CWP No. 10945 of 2016 (O&M)

Date of decision : 13.11.2017

M/s Rajdhani Woollens and Spinning Mills

.. Petitioner

versus

State of Haryana and others

.. Respondents

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

Present: None for the petitioner.

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.

The petitioner has 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 possession of the land has not been taken from him. Notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act') were issued on 2.3.1993 and 1.3.1994, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 28.2.1996.

It was claimed by the petitioner in the present petition that the petitioner had set up an industrial unit much before the acquisition. Compensation for the acquired land has been received by it. Even enhanced compensation has also been received. However, possession of the acquired was not taken by the respondents till date. The acquisition being quite old though the entire area as such has been developed but the area in question

has yet not been planned for development.

Learned counsel for the State submitted that compensation for the acquired land has been paid to the petitioner. Even enhanced compensation for the acquired land has also been paid. However, possession of the acquired land was not taken by the respondents. It was not in dispute that there is a running industrial unit existing on the spot. Mutation of ownership was also entered in the name of HUDA on 8.1.2004. He further did not dispute the fact that the land has yet not been planned for development.

Heard learned counsel for the State 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 has not been taken.

In the case in hand, the facts on record are that compensation and even enhanced compensation for the acquired has been paid to the petitioner. This fact is not in dispute that there is running industrial unit at the spot. The petitioner had claimed that the entire acquired land is in its possession as it is surrounded by boundary wall being part of the industrial unit. The State has not been able to produce any material on record to show that any development activity has been carried out on the portion of land, which is subject matter of dispute in the present petition.

For the reasons mentioned above, in our opinion, one condition as contained in Section 24(2) of the 2013 Act having been complied with, the acquisition of land in question has lapsed.

The petitioner is directed to return the amount of compensation received by it along with interest as per the policy framed by the Haryana Urban Development Authority within 3 months from the date of receipt of notice in this regard. On failure the acquisition of land shall be deemed to be upheld.

The writ petition stands disposed of.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

13.11.2017
sharmila

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