

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

CWP No. 4488 of 2017 (O&M)

Date of decision: 12.12.2017

Ram Chander and others	vs	.. Petitioners
The State of Haryana and others		.. Respondents

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

Present: Mr. Shilak Ram Hooda, 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 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'), as neither the possession of the acquired land has been taken nor the compensation thereof has been paid.

Learned counsel for the petitioners have submitted that notifications for acquisition of the said land under Section 4 and 6 of the Land Acquisition Act, 1894 (for brevity 'the 1894 Act'), were issued on 29.11.2001 and 28.11.2002, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 24.11.2004. Neither the compensation for the acquired land has been paid nor possession of the land has been taken. He further submitted that on the acquired land, construction was already existing before publication of the notification under Section 4 of the 1894 Act and the petitioners are in

possession thereof ever since then. The petitioners had even filed objections under Section 5A of the 1894 Act. It was further submitted that Sector-58 is developed by the private builders. Neither any development activity has been carried out on the acquired land nor any development plan has been prepared, though the land was acquired more than 16 years back. The acquisition of land measuring 31.375 acres has already been quashed earlier by this Court in view of the provisions of Section 24(2) of the 2013 Act.

Learned counsel for the State fairly did not dispute the fact that the compensation for the land owned by the petitioners has not been collected by them. He submitted that out of the total compensation amount of ₹ 43,98,54,550/-, ₹ 1,97,400/- has been paid to the landowners. The remaining amount is lying with the Collector. The possession of the acquired land was taken by the authorities vide rapat no. 185 dated 24.11.2004.

In response learned counsel for the petitioners submitted that actual possession of the acquired land is with the petitioners. Only the entries have been made in the revenue record.

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, admittedly even the construction was existing prior to the issuance of notification under Section 4 of the 1894 Act and the petitioners are still in possession of the constructed portion. Out of the total compensation amounting to ₹ 43,98,54,550/- for the entire acquired land, only a sum of ₹ 1,97,400/- has been disbursed to the landowners, which is 0.04% of the total compensation. No development has been carried out though it is claimed that plan thereof was prepared. The land was acquired way back in the year 2001.

In view of our aforesaid discussions, 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

12.12.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned?

Yes/No

Whether Reportable

Yes/No