

(2016) 05 SC CK 0012

In the Supreme Court Of India

Case No : Civil Appeal No. 5051-5052 of 2016 (@ Special Leave Petition (C) Nos. 33194-33195 of 2012)

Shashi Gupta and Anr.

APPELLANT

Vs

State of Haryana & Ors.

RESPONDENT

Date of Decision : 12-05-2016

Acts Referred:

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 — Section 24

Citation : (2016) 163 AIC 127 : (2016) AIR(SCW) 4817 : (2016) AIRSC 4817 : (2016) 117 ALR 455 : (2016) 3 ApexCourtJudgments(SC) 687 : (2016) 5 JT 588 : (2016) 132 RD 621 : (2016) 5 Scale 636 : (2016) 13 SCC 380

Hon'ble Judges : Kurian Joseph; Rohinton Fali Nariman, JJ.

Bench : Division Bench

Advocate : P.K. Jain, Saurabh Jain, P.K. Goswami, Satinder S. Gulati, Mrs. Kamaldeep Gulati, Advocates, for the Appellant; Alok Sangwan, Vikram Singh Punia, Atul Mangla, Sanjeev Tayal, Dr. Kailash Chand, Dr. Monika Gusain, Kamal Mohan Gupta, Advocates, for the Respondent

Final Decision : Allowed

Judgement

Kurian, J. - Leave granted.

2. The challenge to the land acquisition proceedings by the appellants was unsuccessful before the High Court of Punjab and Haryana and thus aggrieved by the Judgment dated 12.08.2008 passed in CWP No. 18579 of 2006 and the Judgment dated 13.07.2012 passed in RA No. 318 of 2011 in CWP No. 18579 of 2006, the appellants are before this Court.

3. It was brought to the notice of the Court that in view of the operation of Section 24 (2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short, "the 2013 Act"), the proceedings have lapsed and, therefore, on 05.05.2016, this Court passed the following order :-

"In answer to RTI application, the petitioners have been informed that though the Award has been passed on 16.07.2007, the petitioners have not received the compensation. It is also stated in the RTI reply that the possession could not be taken on account of stay of dispossession in CWP No. 18579 of 2006.

There will be a direction to respondent No. 1 to file affidavit on the following aspects :

i) When was the amount of compensation deposited with the Land Acquisition Collector?

ii) When was the stay of dispossession granted in CWP No. 18579/2006 and when was it vacated?

The Competent Officer of the State of Haryana shall file the reply on these two aspects on or before 11.05.2016.

We make it clear that if reply as mentioned above is not filed, it will be taken that they have nothing to reply and that the special leave petitions are only to be allowed.

Post for Judgment/Order on 12.05.2016."

4. The learned counsel appearing for the State has submitted that these were not the contentions taken by the appellants before the High Court and in case, the appellants propose to get the matters reconsidered on the basis of these contentions, the matters may be remitted to the High Court.

5. We are afraid, we cannot appreciate the above submission of the learned counsel for the State. On the admitted facts, the land acquisition proceedings have lapsed since there is no stay on any count operating in the matter of possession or acquisition of the lands of the appellants after 12.08.2008. The 2013 Act came into force on 01.01.2014. Therefore, five years prior to the coming into force of the 2013 Act, the appellants have not been dispossessed. It is also a fact that there is no payment of compensation in accordance with law as declared by this Court in *Pune Municipal Corporation and Anr. v. Harakchand Misirimal Solanki and Ors.* reported in (2014) 3 SCC 183.

6. In view of the above admitted position, it is not necessary to remit the matters to the High Court. The land acquisition proceedings have lapsed in the facts of the present cases in view of the operation of Section 24(2) of the 2013 Act. It is declared so and the appeals are allowed.

7. No costs.