



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-22812-2025

Pardeep Kapoor

....Petitioner

versus

The State of Haryana and others

...Respondents

1.	The date when the judgment is reserved	06.11.2025
2.	The date when the judgment is pronounced	17.11.2025
3.	The date when the judgment is uploaded on the website	18.11.2025
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Mr. Abhinav Aggarwal, Advocate and
Mr. Rishabh Aggarwal, Advocate for the petitioner.

Mr. Saurabh Mago, DAG Haryana.

DEEPAK SIBAL, J.

1. Through the instant petition the petitioner assails the notifications dated 23.02.1989 and 22.02.1990 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short – the 1894 Act). Also under challenge is the award dated 21.02.1992 through which compensation was determined by the Land Acquisition Collector,



Panchkula (for short – the LAC), to be paid to the land owners for their lands acquired through the aforesaid notifications.

THE FACTS

2. Through notification dated 23.02.1989, issued under Section 4 of the 1894 Act, the State expressed its intention to acquire 600.42 acres of land for the development of Sectors 13-17, Panipat by the Haryana Urban Development Authority (for short –HUDA). After considering the report of the LAC, on the objections filed by the land owners under Section 5A of the 1894 Act, the State notified to acquire 540.16 acres of land through notification dated 22.02.1990 issued under Section 6 of the 1894 Act. Thereafter, through award dated 21.02.1992, the LAC determined the compensation to be paid for 505.66 acres of the acquired land. Possession of such land was also taken by the State and handed over to HUDA on the same date through rapat No.277 dated 21.02.1992. A separate award for land measuring 20.45 acres, which was under litigation, was announced by the LAC on 17.11.1994 and possession of such land was taken by the State and handed over to HUDA on the same date vide rapat No.124 dated 17.11.1994.

3. The petitioner claims to be the owner of 02 Bighas of land situated in khasra No.3857/2, khewat No.1414, Hadbast No.12 in the revenue estate of Taraf Insar, Panipat (hereinafter referred to as the land in question). Such land was covered under both the aforesaid notifications and the award.



4. No objections under Section 5A of the 1894 Act were filed in response to the notification dated 23.02.1989 issued under Section 4 of the 1894 Act by the petitioner or any of the other co-owners.

5. Through **CWP-32-2016 – Raj Kapoor and others vs. State of Haryana and others** the petitioner's co-owners challenged the acquisition of the land in question as according to them such acquisition had lapsed in view of Section 24(2) of the Right to Fair Compensation and Resettlement Act, 2013. Through judgment dated 31.08.2022, a Division Bench of this Court, after considering the facts of that case and relying on the law laid down by a Constitution Bench of the Supreme Court in **Indore Development Authority vs. Manohar Lal and others - AIR 2020 SC 1496** dismissed the said petition. Such judgment attained finality.

6. Through the instant petition, filed in July 2025, the petitioner has now challenged the acquisition of the land in question primarily on the ground of discrimination as according to him similarly placed lands, which are adjacent to the petitioner's acquired land, have been released by the State and that such releases also make it impossible to utilize the petitioner's acquired land for any public purpose.

THE SUBMISSIONS

7. Learned counsel for the petitioner, while drawing the attention of this Court to the site plans appended to the petition as Annexures P-8 and P-9, submitted that similarly placed lands, adjacent to the petitioner's acquired land owned by M/s Mittal Enterprises, M/s



S.D. Processors Private Limited, M/s Sajdev Processor, M/s Mahalaxmi Spinning Mills Ltd. and Smt. Kiran Bala have been released from acquisition by the State and therefore, the land in question should also be released especially when releasing from acquisition of these adjacent lands makes it impossible for the State to utilize the petitioner's acquired land for any public purpose.

8. In support of the proposition that acquisition of land cannot be in pockets as the same would not further the public purpose for which the land is sought to be acquired, reliance was placed by learned counsel for the petitioner on a Division Bench judgment of this Court dated 11.12.2017 in **CWP No.16659-2007 – Mangal Singh (deceased) through LRs and another vs. The State of Haryana and others.**

9. Learned counsel for the petitioner further relied on the judgment by the Supreme Court in **Urban Improvement Trust vs. Smt. Vidhya Devi and others – 2024 SCC Online SC 3725** to contend that once the petitioner is invoking his rights under Article 300A of the Indian Constitution delay on his part in approaching this Court would be immaterial.

10. Per contra, learned State counsel submitted that the instant petition should be dismissed on the ground of delay and laches as the same has been filed after an unexplained delay of 33 years from the date of passing of the award; through judgment dated 31.08.2022 the petition filed by the petitioner's co-owners being **CWP-32-2016 – Raj Kapoor and others vs. State of Haryana and others** already stands dismissed by a Coordinate Bench; in **Raj Kapoor's case (supra)** the issue of discrimination had also been raised in the petition but not pressed



before the Coordinate Bench at the time of its hearing; the petitioner has no right to challenge the acquisition because the petitioner or his predecessor in interest did not file any objections to the notification issued under Section 4 of 1894 Act; through rapat No.277 dated 21.02.1992 possession of the petitioner's acquired land was not only been taken by the State but also handed over to HUDA for its utilization; the compensation determined to be paid to the petitioner for acquisition of his land also stood tendered on 21.02.1992 and it is the petitioner who did not withdraw the same for which the State cannot be blamed; no case of discrimination is made out as the lands released in the vicinity of the petitioner's acquired land were those lands on which factories and another constructions were found to exist on the date of issuance of the notification under Section 4 of the 1894 Act whereas the petitioner's land was and still remains vacant; the afore referred lands were released after considering of objections filed by the respective land owners under Section 5A of the 1894 Act or on the basis of consideration of their claims in terms of the judgment of this Court dated 26.10.2004 in **LPA-16-1995 – State of Haryana and another vs. S.D Processors Private Limited, Panipat and another**; as per the lay out plan (Annexure R1) the petitioner's land already stands utilized towards development of Sectors 13-17, Panipat as out of the acquired land, in Sectors 13-17, Panipat, HUDA a total of 2036 residential plots were carved out and out of these plots 1599 plots already stand allotted, on which approximately 675 houses have also been constructed and that the 02 bighas of land of the



petitioner, which is the subject matter of the instant petition, also stands duly utilized as on the same have been carved out 6 residential plots measuring 8 marlas, 6 plots measuring 2 marlas and parts of such land is earmarked for a road and open space.

11. To buttress his objection with regard to delay, learned State counsel relied on the judgment of the Supreme Court in *Leelawanti and others vs. State of Haryana and others, (2012) 1 SCC 66* and a recent Division Bench judgment dated 24.07.2025 delivered by us in **CWP No.18026-2025 – Manphool and others vs. State of Haryana and others.**

12. On the issue of the petitioner having no right to challenge the acquisition of his land on account of non-filing of objections by him under Section 5A of the 1894 Act, reliance was placed by the learned State counsel on a judgment of the Supreme Court in *Delhi Administration Vs. Gurdip Singh Uban and others – 1999 7 SCC 44.*

13. Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

DISCUSSION AND CONCLUSION

14. The petitioner assails the notifications dated 23.02.1989 and 22.02.1990 issued by the State under Sections 4 and 6 of the 1894 Act respectively. Also under challenge is the award passed by the LAC dated 21.02.1992 through which compensation was determined to be paid by the State for the lands acquired through the aforesaid two notifications. The instant petition has been filed in July 2025 i.e. after over 33 years from the date of passing of the award impugned by the petitioner. For such inordinate delay no explanation whatsoever is found



on the reading of the instant petition. None was also offered when the matter was heard by us. Therefore, such a stale claim is not entitled to be considered in the exercise of our jurisdiction under Article 226 of the Indian Constitution especially when in the interregnum the acquired land in question stands fully utilized by the State for the public purpose for which the same was acquired and that it remains undisputed that such utilization was only after following the due process of law.

15. The judgment of the Supreme Court in **Urban Improvement Trust's case (supra)** would be of no assistance to the petitioner because in that case the Supreme Court decided to overlook the delay on the land owner's part in knocking the doors of the Court as it found glaring irregularities in the procedure adopted by the State in the acquisition of the land which was the subject matter of those proceedings whereas in the present matter it is not even the petitioner's case that there was any irregularity in the procedure adopted by the State to acquire the petitioner's land and after perusal of the record we have also not found any.

16. Even otherwise, after examining the record, we find that the issue of discrimination, raised by the petitioner is totally misconceived.

17. The petitioner alleges discrimination on the ground that similarly placed acquired lands, adjacent to the land in question, owned by M/s Mahalaxmi Spinning Mills Ltd., M/s S.D. Processors Private Limited, M/s Mittal Enterprises, M/s Sajdev Processor, M/s International Wool Weavings Processing Ltd. and Kiran Bala, have been released from acquisition by the State. Through the short reply dated

18.08.2025, filed on behalf of the State, it is submitted that 10 bigha and



4 biswa land of M/s Sajdev Processor, 2 bigha and 6 biswa land of M/s International Wool Weavers, 4 bigha and 4 biswa land of M/s M/s Mahalaxmi Spinning Mills was released by the State when, after consideration of their objections filed under Section 5A of the 1894 Act, it was found that on these lands, on the date of issuance of the notification under Section 4 of the 1894 Act, the afore referred entities were running their factories. No counter to the State's short reply has been filed by the petitioner. Even otherwise, qua the afore cases the petitioner cannot claim any parity because the land in question was and continues to be vacant land and for the reason that the petitioner did not file any objections under Section 5A of the 1894 Act as also because his land stands fully utilized for the public purpose for which it was acquired.

18. So far as release from acquisition of 2 bigha and 2 biswa of additional land of M/s Mahalaxmi Spinning Mills; 2 bigha and 6 biswa of land of M/s S.D. Processors and 1 bigha and 8 biswa of land of Kiran Bala were concerned, the State has explained that these lands were also released by the State when, in pursuance to the following common directions issued by this Court on 26.10.2004, in **LPA No.16 of 1995- State of Haryana and another vs. S.D. Processors Private Limited, Panipat and another, LPA No.432 of 1995 – M/s Shiv Shakti Spinning Mills, Panipat vs. State of Haryana and others, LPA 433 of 1995- M/s Mahalakshmi Spinning Mills, Panipat and others vs. State of Haryana and another and LPA 435 of 1995 – Sham Sunder and**



others vs. State of Haryana and another, it was found that on these lands too constructions existed:-

“.....

- (ii) *Within one month from today, the State Government shall constitute a Committee consisting of Director, Urban Estates, Haryana and other senior officers of the HUDA and Town Planning Department. The Committee shall inspect the site of the land of the respondents and determine whether vacant area can be put to a purposeful use by the HUDA on whose behalf the acquisition was undertaken. While doing so, the Committee shall also keep in mind the need of the industry of respondent no.1.*
- (iii) *If the Committee comes to the conclusion that the acquired land can be effectively used by the HUDA, then the respondents shall have to surrender possession of the acquired land, else the same shall be released by the State Government. In that event, the respondents shall be paid compensation in accordance with law.*
- (iv) *The respondents are also given liberty to make a written representation to the State Government/ Committee for release of the remaining land.*
- (v) *Till the matter is decided afresh, the parties shall maintain status quo as is obtaining today. This would necessarily mean that the appellants shall not interfere with the possession of the respondents and the latter shall not raise further construction or alienate the land to any other person.”*

Release of the afore lands from acquisition is also not comparable with the petitioner’s acquired land which, as noted earlier, was and continues to be vacant and also stands fully utilized for the purpose of development of Sectors 13-17, Panipat.

19. So far as the allegations by the petitioner with regard to release of land of M/s Mittal Enterprises from acquisition is concerned, the State has clearly stated that no land of such firm has been released



from acquisition which stand of the State remains uncontroverted by the petitioner as no counter to such averment was filed by him.

20. In the light of the above, the instant petition, both on the ground of delay and laches as also on merits, must fail.

21. Dismissed.

(DEEPAK SIBAL)
JUDGE

17.11.2025
gk

(LAPITA BANERJI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No