



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-13333-2016
Date of decision: 23.07.2026

Gopal Singh Rathi and others
.....Petitioners

Versus

State of Haryana and others
.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL
HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Tushar Sharma, Advocate, and
Mr. Shourya Arora, Advocate,
for the petitioners.

Mr. Saurabh Mago, DAG, Haryana
for the respondents-State.

VIKAS BAHL, J. (ORAL)

INDEX

		Paragraph(s)	Page(s)
1.	Challenge in the present petition	1-2	1-2
2.	Brief background of the case	3-4	2-4
3.	Arguments on behalf of the petitioners	5-11	4-9
4.	Arguments on behalf of the respondents	12-18	10-15
5	Arguments in rebuttal	19-20	15-16
6	Analysis and findings	21-46	16-37

CHALLENGE IN THE PRESENT WRIT PETITION

1. Present writ petition has been filed under Article 226/227 of the
Constitution of India for issuance of an appropriate writ, order or direction

**CWP-13333-2016****2**

especially in the nature of Certiorari for setting aside/quashing the notification dated 17.04.2002 (Annexure P-3) issued under Section 4, notification dated 10.04.2003 (Annexure P-5) issued under Section 6 and the award dated 25.06.2004 (Annexure P-6) passed under Section 11 of the Land Acquisition Act, 1894 qua the land of the petitioners measuring 1 Bigha 12 Biswa comprised in Khasra no. 3580/951 (11 Biswa), 3579/951 (12 Biswa) and 5127/3293/573 (9 Biswa) situated in the revenue estate of Bahadurgarh, District Jhajjar, Haryana. A further prayer has also been made for issuance of an appropriate writ, order or direction especially in the nature of Mandamus directing the respondents to release the land of the petitioners.

2. Present petition has been filed in the year 2016 after a period of 12 years from the date of passing of the award.

BRIEF BACKGROUND OF THE CASE:-

3. The petitioners are stated to be the owners of land measuring 1 bigha 12 biswas comprised in khasra No.3580/951 (11 biswa), 3579/951 (12 biswa) and 5127/3293/573 (9 biswa) situated in the revenue estate of Bahadurgah, District Jhajjar, Haryana. It is the case of the petitioners that the ownership of khasra No.3580/951 (11 biswa) devolved upon the petitioners through succession from Dharam Singh, Ram Kishan and Jai Singh and that Khasra No.3579/951 (12 biswa) devolved upon the petitioners through natural succession and further that the land comprised in khasra No.5127/3293/573 (9 biswa) was purchased by petitioner No.1 vide registered sale deed dated 23.05.2000. The respondents-State had issued Notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'Act of 1894') which was published in the Government

**CWP-13333-2016****3**

Gazette on 17.04.2002 and in the Newspapers in accordance with law. By virtue of the same, total land measuring 1326.04 acres was sought to be acquired, which included the land of the petitioners in the revenue estates of Bahadurgarh, for the public purpose i.e. development and utilization of land for residential, commercial and institutional for Sector 1 (Part), Sectors 10-11 (Part), 12 and 13 Bahadurgarh. No objections under Section 5A of the Act of 1894 qua the land in question was filed by the petitioners or their predecessors-in-interest. Notification under Section 6 of the 1894 Act was issued on 10.04.2003 with respect to the land measuring 1238.15 acres which also included the land in question and the same was also duly published.

4. Thereafter, award dated 25.06.2004 was passed by the Land Acquisition Collector with respect to the said land. It is further the case of the State that total amount of award with respect to the entire land was Rs.72,57,04,098/- and the same was duly tendered at the time of announcement of the award and out of the said amount as on 18.08.2025, Rs.53,59,11,899/- has been disbursed to the landowners and rest of the amount of compensation i.e. Rs.18,97,92,199/- also stands duly deposited and is available for disbursement to the landowners including the petitioners. It is further the case of the respondents-State that the possession of the land in question has been taken vide rapat no.1318 dated 25.06.2004. Dharam Singh, predecessor-in-interest of petitioner Nos.1 and 2 had challenged the same Notifications by filing CWP-10904-2004. The land qua which the Notifications were challenged was the other land owned by Dharam Singh and although a part of the land in question was also owned by him but the

**CWP-13333-2016****4**

same was not included in the said writ petition. The land in question was admittedly lying vacant at the time of Notification under Section 4 of the 1894 Act. Dharam Singh had died during the pendency of the said writ petition and petitioner Nos.1 and 2 were impleaded as legal representatives vide order dated 03.02.2010 passed in CWP-10904-2004. The said writ petition was dismissed on 07.05.2010 and it is the petitioner Nos.1 and 2 who had filed SLP against same in the year 2011. Petitioner Nos.3 and 4 are the sisters of petitioner Nos.1 and 2. No challenge was made to the Notifications or award with respect to the land in question for a period of 12 years and it is after the lapse of period of 12 years that the present writ petition has been filed in the year 2016.

ARGUMENTS ON BEHALF OF THE PETITIONERS

5. Learned counsel for the petitioners has submitted that the petitioners are the owners in possession of the land measuring 1 Bigha 12 Biswa which has been mentioned in the headnote of the petition and is situated in the revenue estate of Bahadurgarh, District Jhajjar, Haryana. It is further submitted that the ownership of khasra No.3580/951 (11 Biswa) and 3579/951 (12 Biswa) was devolved upon the petitioners through natural succession and in support of the same has referred to the jamabandis which have been annexed as Annexure P-1. It is stated that the petitioner No.1 had purchased the land comprised in khasra No.5127/3293/573 measuring 9 Biswa, vide sale deed dated 23.05.2000.

6. Learned counsel for the petitioners has further submitted that on 17.04.2002, the respondents-State had issued notification under Section 4 of the Act of 1894 for acquiring about 1300 acres of land situated in the

**CWP-13333-2016****5**

revenue estates of Tehsil Bahadurgarh, District Jhajjar for public purpose i.e. residential, commercial and institutional for Sector 1 (Part), Sectors 10-11 (Part), 12 and 13 Bahadurgarh and the land belonging to the petitioners was included in the said notification. It is submitted that the predecessor-in-interest of the petitioners, namely, Dharam Singh had filed objections under Section 5-A of the 1894 Act, however on account of lack of proper knowledge, the objections were filed only with respect to the other land owned by him and not qua the land involved in the present petition and thus, no objections qua the land in question were filed either by him or by the petitioners. It is argued that vide notification dated 10.04.2003, a declaration under Section 6 of the 1894 Act was issued which also included the land of the petitioners and that thereafter, on 25.06.2004 an award under Section 11 of the 1894 Act was passed. It is submitted that although a rapat was recorded regarding taking of possession of the acquired land, however, the same was only a paper transaction and no possession was actually taken in accordance with law, and thus, the acquisition cannot be stated to have been completed and it cannot be said that the land in question has vested with the State Government as envisaged under Section 16 of the 1894 Act.

7. It is argued that the predecessor-in-interest of the petitioners, namely, Dharam Singh, had filed CWP-10904-2004 challenging the acquisition proceedings, however, the challenge was only confined to the other parcels of land and not the land which forms the subject matter of the present petition. It is submitted that the said writ petition along with other writ petitions were divided into two bunches i.e. one bunch being the writ petitions in which the petitions had been filed prior to the passing of the

**CWP-13333-2016****6**

award under Section 11 of the 1894 Act and the other bunch being the petitions which were filed after the passing of the award, which bunch included the writ petition filed by the predecessor-in-interest of the petitioners i.e. Dharam Singh. It is further submitted that the Co-ordinate Division Bench of this Court vide judgment dated 07.05.2010 had dismissed the writ petitions which had been filed after the passing of the award only on the ground that the same were not maintainable once the award had been passed under Section 11 of the 1894 Act. It is stated that the lead case in the said bunch was ***CWP No.10396 of 2004*** titled as “***Prahlad Singh and others Vs. Union of India and others***”, and the petition filed by Dharam Singh was decided along with the said bunch. It is pointed out that Dharam Singh had died issueless and petitioners No.1 and 2 were impleaded vide order dated 03.02.2010 as his LRs which order was passed in CM-1039-CWP-2010 and which fact is reflected from the headnote of the judgment dated 07.05.2010.

8. It is submitted that another bunch of writ petitions which were filed prior to the passing of the award were allowed vide judgment dated 21.06.2010 (Annexure P-8) and it was held that the acquisition proceedings were violative of Article 14 of the Constitution of India. It is argued that one set of petitioners from the bunch in which the lead case was ***Prahlad Singh and others (supra)*** had filed SLP No.8626 of 2011 (Civil Appeal No.3779 of 2011) before the Hon'ble Supreme Court and other set of petitioners from the same bunch had filed SLP No.24567 of 2010 (Civil Appeal No. 6202 of 2011) titled as “***Vidya Devi and another Vs. State of Haryana and others***” and in both of the said SLP's challenge was laid to the judgment dated 07.05.2010. It is stated that the present petitioners No.1 and 2 had filed SLP

**CWP-13333-2016**

7

No.7981 of 2011 (Civil Appeal No.6275 of 2011) also challenging the judgment dated 07.05.2010 and that the respondent-authorities had challenged the judgment dated 21.06.2010 passed in the second bunch of writ petitions of which the lead case was ***CWP No.2308 of 2004*** titled as ***“Reshma Footwears (P) Ltd. Vs. State of Haryana and others”***, vide SLP No.10857-10878/2011.

9. It is argued that the Hon'ble Supreme Court vide judgment dated 29.04.2011 (Annexure P-9) had allowed the SLP in the case of ***Prahlad Singh and others (supra)*** and had observed that the dismissal of the writ petitions of the first bunch merely on the ground that the award had been passed was not sustainable. While referring to the judgment which has been annexed as Annexure P-9, learned counsel for the petitioners has submitted that in the said judgment it was held that the possession cannot be said to have been taken merely on the basis of the *rapat* entries made in the *roznamcha* and that the acquisition proceedings could not have been stated to have been completed as the land did not vest in the State as yet and thereafter, the matter was remanded for consideration on merits. By relying upon the observations made in the said judgment. Learned counsel for the petitioners has submitted that since the *rapat roznamcha* which was in question, was the same *rapat roznamcha* vide which the respondents authorities have been stated to have taken taken possession of the land in question in the present writ petition, thus, it cannot be said that the actual and physical possession of the land in question had been taken and further it is argued that the panchnama was not prepared in the presence of the independent witnesses. It is submitted that the observations of the Hon'ble



CWP-13333-2016

8

Supreme Court with respect to the *rapat* would also apply to the case of the present petitioners as the '*rapat*' is common and there is no subsequent '*rapat*' and no process of taking possession has been detailed in the written statement filed by the respondent-authorities.

10. Learned counsel for the petitioners has further submitted that in the meanwhile, another bunch of writ petitions of which the lead case was ***CWP-11412-2004*** titled as ***Lehri Singh and others Vs. Union of India and others*** which was also arising out of the same acquisition also came before the Co-ordinate Division Bench of this Court and while following the case of ***Reshma Footwear (supra)***, the Co-ordinate Division Bench of this Court vide judgment dated 25.08.2011 (Annexure P-10) allowed the same. It is submitted that observations with respect to '*rapat roznamcha*' were made by the Co-ordinate Division Bench of this Court to the effect that the said entries were not signed by any of the rights holders. It is reiterated that thus the said common '*rapat roznamcha*' was held to be not duly executed in accordance with law. It is submitted that the SLP filed by the petitioners No.1 and 2 with respect to the other land of Dharam Singh, which was also inherited by the petitioners No.1 and 2 from Dharam Singh, along with the case of ***Vidya Devi and others (supra)***, which was the lead matter, was also allowed by the Hon'ble Supreme Court vide order dated 29.07.2013 (Annexure P-11) following the decision in the case of ***Prahlad Singh and others (supra)*** and the matter was remanded to this Court for consideration on merits. It is pointed out that a perusal of the order passed in the case of ***Vidya Devi and others (supra)*** would show that the same was passed on the basis of the statement made by the counsel for the respondent-authority, who



CWP-13333-2016

9

had given list of matters which may be disposed of in terms of the judgment of ***Parhlad Singh and others (supra)***. It is submitted that after the remand of the cases, including the case of the petitioners with respect to the other property owned by Dharam Singh, the Division Bench of this Court vide order dated 21.04.2014 passed in in ***CWP-17412-2004*** titled as '***Girdhari Lal and others Vs. Union of India and others***', allowed the writ petition by placing reliance upon the judgment of the Co-ordinate Division Bench of this Court in the case of ***Reshma Footware (P) Ltd. (supra)***, but the same was made subject to the decision in the SLP, which was pending against the judgment in the case of ***Reshma Footwear (P) Ltd. (supra)***. It is further submitted that in the case of ***Girdhari Lal (supra)***, the observations as were earlier made by the Hon'ble Supreme Court in the case of ***Prahlad Singh and others (supra)*** with respect to possession were reiterated. It is pointed out that vide order dated 11.05.2016 the SLP filed by the HUDA was dismissed.

11. Learned counsel for the petitioners has submitted that after the rights had been crystallized with respect to the other land of Dharam Singh, which was inherited by the petitioners, the petitioners filed the present petition in the year 2016 to challenge the acquisition with respect to the land in question. It is submitted that the case of the petitioners is on similar footing as that of the petitioners in the case of ***Prahlad Singh and others (supra)***, ***Reshma Footwears (P) Ltd. (supra)***, ***Girdhari Lal (supra)*** and ***Lehri Singh and others Vs. Union of India and others passed in CWP-11412 of 2004***, and thus, the notifications qua the land in question should also be quashed or the land of the petitioners should also be released.

**ARGUMENTS ON BEHALF OF THE RESPONDENTS**

12. Learned counsel for the respondents-State, on the other hand, has submitted that in the present case, the notifications under Section 4 and 6 were duly published in accordance with law and the petitioners or their predecessors-in-interest did not file any objection under Section 5A of the 1894 Act qua the land in question, and thus, accepted that they have no objection to the notification under Section 4 of the Act of 1894 qua the land in question and cannot now challenge the same. In support of his arguments, learned counsel for the respondents has relied upon the judgment of the Hon'ble Supreme Court in the case of “***Delhi Administration Vs. Gurdeep Singh Uban and others***”, ***reported as (1999) 7 SCC 44***. It is further submitted that admittedly the award in the present case was passed on 25.06.2004 and the total amount of award was Rs.72,57,04,098/- and the said amount was duly tendered at the time of announcement of the award and out of the said amount as on 18.08.2025, an amount of Rs.53,59,11,899/- has already been disbursed and the rest of the amount of compensation of Rs.18,97,92,199/- stands deposited and is available for disbursement to the landowners including the petitioners. It is further submitted that after the announcement of the award, the possession of the suit land was taken vide *rapat* No.1318 dated 25.06.2004.

13. It is submitted that Dharam Singh, who, even as per the case of the petitioners, was their predecessor-in-interest had filed a writ petition challenging the same impugned Notifications under Sections 4 and 6 as well as the award with respect to the other land owned by him and even as per



CWP-13333-2016

11

their own case, the petitioner Nos.1 and 2 were made legal representatives in the said proceedings in the year 2010 and after the dismissal of the said writ petition, the petitioner Nos.1 and 2 even filed SLP in the year 2011, yet the petitioners never filed any petition with respect to the land in question and thus, apparently, they had acquiesced to the acquisition of the land in question. In support of his arguments, learned counsel for the respondents-State has relied upon the judgment passed by the coordinate Division Bench of this Court in the case titled as **Desraj and others Vs. State of Haryana and others** reported as **2022(4) RCR (Civil) 298**. It is further submitted that the present petition has been filed after a period of 12 years from the date of passing of the award and thus, the same deserves to be dismissed on the ground of delay and laches alone. It is submitted that the petitioners have been well aware of the proceedings inasmuch as it is the own case of the petitioners that petitioner Nos.1 and 2 were even impleaded as LR's, in the earlier petition filed by Dharam Singh, in the year 2010 and that petitioner Nos.3 and 4 are the sisters of petitioner Nos.1 and 2. It is submitted that a Coordinate Division Bench of this Court in case of **Rajesh Malik Vs. State of Haryana and others passed in CWP-19246-2017 and other connected matters, decided on 30.07.2021**, had dismissed the writ petitions, filed in the year 2017 in which the challenge was to the same impugned Notifications primarily on the ground of delay by observing that with respect to the award passed in the year 2004, the petitioners therein had approached the Court in the year 2017. It is submitted that on the basis of the same principle, the case of the present petitioners also deserves to be dismissed outrightly.

14. Learned counsel for the respondents has further submitted that



CWP-13333-2016

12

the present petition also deserves to be dismissed on the ground of constructive res judicata as well as being barred by the provisions of Order II Rule 2 of the Civil Procedure Code (hereinafter to be referred as “the CPC”). In support of his arguments, learned counsel for the respondents has relied upon judgments of the Hon’ble Supreme Court in the case of **Direct Recruit Class II Engineering Officers' Association Vs. State of Maharashtra and others** reported as **(1990) 2 Supreme Court Cases 715, M. Nagabhushana Vs. State of Karnataka & others** reported as **2011(3) SCC 408**, judgment of the Coordinate Division Bench of this Court in the case of **Mithan Lal Gupta Vs. State of Haryana and others** reported as **2021 SCC Online P&H 4546**, and the SLP(C) bearing Nos. 12574-12575/2022 titled as Mithan Lal Gupta Vs. State of Haryana against the said judgment has been dismissed on 08.08.2022.

15. Learned counsel for the respondents has further submitted that in the present case, it is not in dispute that the land at the time of the issuance of the Notification under Section 4 was lying vacant and thus, in case, the present land is released then every person who is a fence sitter and is owner of vacant land would seek release of his land on the ground of parity. It is further submitted that the land of the petitioners is affecting the planning of the site for Senior Secondary School, 12 meter wide road, two pavements, parking and is also affecting the site for EWS Housing Scheme as per the layout plan annexed as Annexure R-4 along with written statement. It is submitted that a perusal of the plan would show that the entire area has been duly planned and in case land of the petitioners is released then the same would disrupt the integrated planning of the whole

**CWP-13333-2016****13**

Sector. It is further submitted that in the present case, apparently after the award had been passed in the year 2004, the petitioners had acquiescence to the acquisition qua the land in question and it is only after coming into force of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter to be referred as “the 2013 Act”) and in view of provisions of Section 24(2) of the said Act that the petitioners filed the present petition and the said fact is apparent from para 5(a) of the writ petition in which the first point of law which has been raised is with respect to the proceedings having lapsed in view of Section 24(2) of the 2013 Act.

16. It is submitted that the said writ petition was earlier allowed by the Division Bench of this Court vide order dated 30.10.2017 solely on the ground of the said provision of Section 24(2) of the 2013 Act and thereafter, appeal was filed by the State of Haryana and other respondents against the said judgment and the same was set aside vide order dated 15.02.2024 passed by the Hon’ble Supreme Court in SLP(C) No.6610 of 2019 in view of the law laid down by the Constitutional Bench of the Hon’ble Supreme Court in the case of ***Indore Development Authority Vs. Manoharlal and others*** reported as ***(2020) 8 SCC 129*** and the Hon’ble Supreme Court had observed that the matter is required to be remitted to the High Court for fresh consideration in light of the said judgment. It is submitted that since the law, as laid down by the Hon’ble Supreme Court in the said judgment, completely answered the plea of the petitioners on the aspect of Section 24(2) of the 2013 Act, thus, the present petition should be dismissed on the said ground alone. It is further submitted that the petitioners have fairly not

**CWP-13333-2016****14**

agitated the points on the aspect of Section 24(2) of the 2013 Act, but the same would not permit the petitioners to raise pleas to which they had acquiescence for a period of more than 12 years.

17. It is further submitted that as per the law laid down in the case of **Indore Development Authority** (Supra), dead claims cannot be agitated and the aspect of possession has also been authoritatively held in favour of respondent-authorities and it has been observed that the execution of the rapat roznamcha is sufficient to show that the respondents have taken possession, more so, when land in question is vacant land as it is in the present case. It is submitted that the petitioners cannot take benefit of the judgment of the Hon'ble Supreme Court in the case of **Prahlad Singh and others** (Supra), inasmuch as those proceedings arose from writ petitions filed in the year 2004 and in the said cases, as recorded in para 21 of the said judgment, Khasra Girdawri and jamabandis as well as notice issued by the Uttar Haryana Bijli Vitran Nigam Ltd., had been produced on record therein and the same showed that the petitioners therein were in actual and physical possession of the acquired land. It is submitted that no such material has been placed before this Court to show that the petitioners are in actual and physical possession of the land in question after the passing of the award. It is further submitted that even rapat roznamcha has not been produced on record to show that there is any infirmity in the same. It is submitted that the Hon'ble Supreme Court after passing of the judgment in **Prahlad Singh and others** (Supra), had remanded the case and a Coordinate Division Bench of this Court vide order dated 21.04.2014 have only quashed the Notifications and the award qua the petitioners therein and thus, no benefit can be taken



CWP-13333-2016

15

by the petitioners of the said judgment.

18. It is submitted that even the case of ***Reshma Footwear (P) Ltd.*** (Supra) as well as that of ***Lehri Singh and others*** (Supra) apart from being on completely different facts are dealing with the cases where the petitioners had filed the writ petition prior to the award and were allowed only qua the petitioners therein. It is submitted that a perusal of the judgment in case of ***Reshma Footwear (P) Ltd.*** (Supra) would show that there was substantial construction done by the petitioners therein prior to the Notification under Section 4 whereas the land of the petitioners was and is vacant land.

ARGUMENTS ON BEHALF OF THE LEARNED COUNSEL FOR THE PETITIONERS IN REBUTTAL:-

19. Learned counsel for the petitioners, in rebuttal, has submitted that in the present case, the petitioners had inherited khasra no.3580/951 (0-11) from Dharam Singh, Ram Kishan and Jai Kishan, each of whom had 1/5th share in the said khasra number. It is submitted that there would be no applicability of provision of Order II Rule 2 CPC or constructive res judicata or res judicata with respect to the land inherited by the petitioners of the share of Ram Kishan and Jai Kishan in the abovesaid khasra number. It is further submitted that in khasra no.3579/951 (0-12) only Jai Kishan was the exclusive owner and since the petitioners have inherited the said estate, the said three objections raised would not sustain with respect to the said land. Similarly with respect to khasra no.5127/3293/573 (0-9) which is stated to be purchased by petitioner no.1 by virtue of sale deed dated 23.05.2000, it is stated that the said three objections would not sustain. It is further submitted that since the land in question is different from the land which



CWP-13333-2016

16

was the subject matter of the earlier litigation and there are different pleas which the petitioners wish to raise, thus, neither the bar under Order II Rule 2 nor constructive res judicata nor res judicata would apply. In this regard, learned counsel for the petitioners has relied upon the judgment of the Hon'ble Supreme Court in the case of *M/s Channappa (D) Thr. Lrs. vs. Parvatewwa (D) Thr. Lrs.* reported as **2026 SCC OnLine SC 552**.

20. It is further submitted that the case of the petitioners should not be rejected solely on the ground of delay as the petitioners filed the case after the issue had been crystallized after the dismissal of the SLP in the case of *Reshma Footwear (supra)*. In support of his arguments, learned counsel for the petitioners has relied upon the judgment of the Hon'ble Supreme Court in the case of *Royal Orchid Hotels Limited and another vs. G. Jayarama Reddy and others* reported as **(2011) 10 Supreme Court Cases 608**. Learned counsel for the petitioners has further submitted that a part of khasra no.573 and 951 which was the subject matter of CWP-10904-2004 has already been released and the khasra numbers in the present case are the same i.e., khasra nos. 951 and 573 and in the plan it has not been depicted as to which part of khasra no.573 and 951 has been released.

ANALYSIS AND FINDINGS

21. We have heard learned counsel for the petitioners as well as learned counsel appearing for the respondents and we are of the opinion that the writ petition deserves to be dismissed for the reasons detailed hereinafter.

22. It is the admitted case of the parties that the notification under Section 4 of the Land Acquisition Act 1894 was published in the

**CWP-13333-2016****17**

Government gazette on 17.04.2002 with respect to land measuring 1326.04 acres in village Bahadurgarh, Balore, Sarai Aurangabad and Barkatabad, Tehsil Bahadurgarh and District Jhajjar for the public purpose, namely for the development and utilization of the land for residential, commercial and institutional for Sector 1 (Part)-10, 11 (Part), 12 and 13 Bahadurgarh which also included the land of the petitioners falling in khasra no.3580/951, 3579/951 (11 biswa) and 5127/3293/573 (9 biswa) total land measuring 1 bigha 12 biswa (9 biswa) which was situated in the revenue estate of Bahadurgarh District Jhajjar. It is the case of the respondent-State that the notification was published in two daily newspapers namely “The Hindu” (English) on 23.04.2002 and “Hari Bhumi” (Hindi) dated 27.04.2002 which aspect has not been disputed before this Court. No objection qua the land in question was filed by the petitioners or their predecessor-in-interest under Section 5A of the 1894 Act. The notification under Section 6 of the 1894 Act was issued on 10.04.2003 with respect to land measuring 1238.15 acres which also included the land in question and it is the case of the respondent-State that the same was published in two daily newspapers namely “The Hindu” (English) dated 16.04.2003 and “Hari Bhumi” (Hindi) dated 16.04.2003, which aspect has also not been disputed before this Court. Admittedly the award dated 25.06.2004 was passed with respect to the said land by the Land Acquisition Collector. It is further the case of the State that total amount of award with respect to the entire land was Rs.72,57,04,098/-, which was duly tendered at the time of the announcement of the award and out of the said amount as on 18.08.2025, Rs.53,59,11,899/- has also been disbursed to the landowners and rest of the amount of compensation i.e.

**CWP-13333-2016****18**

Rs.18,97,92,199/- also stand duly deposited and is available for disbursement for the landowners including the petitioners. It is further the case of the respondent-State that the possession of the land in question, which was vacant land, has been taken vide rapat no.1318 dated 25.06.2004.

23. The present writ petition has been filed in the year 2016 after a period of more than 12 years from the date of passing of the award dated 25.06.2004. It is not the case of the petitioners that they were not aware of the proceedings or passing of the award. Rather the facts in the present case clearly show that petitioners no.1 and 2 even participated in the proceedings in which challenge to the same notifications was laid. It would be relevant to note that it is the case of the petitioners that with respect to khasra no.3580/951 (11 biswa), which is one of the khasra numbers which is subject matter of the present writ petition, the petitioners inherited the same from Dharam Singh to the extent of 1/5th share. The said Dharam Singh had challenged the same notifications issued under Sections 4 and 6, which are the subject matter of the present writ petition, by filing CWP-10904-2004. It is further the case of the petitioners that the said Dharam Singh had died during the pendency of the said writ petition and petitioners no.1 and 2 were impleaded as legal representatives of the said Dharam Singh vide order dated 03.02.2010 passed in CM-1039-2010 in CWP-10904-2004 which fact is further apparent from a bare perusal of the judgment dated 07.05.2010 (Annexure P-7) passed in the case of Dharam Singh. Since the case filed by Dharam Singh was dismissed by the Co-ordinate Division Bench of this Court on 07.05.2010 along with other connected matters, it is the present petitioners no.1 and 2 who had filed civil appeal no.6275 of 2011 against the



said judgment before the Hon'ble Supreme Court. Petitioners no.3 and 4 are the sisters of petitioners no.1 and 2.

24. It is not disputed that the land in question, at the time of issuance of notification under Section 4, was vacant land. Apparently for the said reason the petitioners/Dharam Singh in spite of the notification under Sections 4 and 6 having been issued in the year 2002 and 2003 and also the award having been passed in 2004 and having filed and pursued the litigation with respect to the challenge to the same notifications with respect to the other parcel of land, which was owned by Dharam Singh and is stated to have been inherited by the petitioners, did not choose to include the present suit land for the apparent reason that the petitioners/Dharam Singh had acquiesced to the fact that since the land in question was vacant land, thus, no useful purpose would be served in laying challenge to the notification and the award qua the said land.

25. The first issue that arises for consideration before this Court is, as to whether the petitioners can be permitted to lay challenge to the notification issued in the year 2002 and 2003 and the award dated 25.06.2004 after a period of 12 years in the year 2016, moreso, with respect to the land which was admittedly vacant land at the time of notification under Section 4. The answer is in the negative, for the following reasons.

26. The Co-ordinate Division Bench of this Court in the case of **Rajesh Malik (supra)** was examining the challenge made in the year 2017 to the same notifications as are the subject matter of the present petition. In the said case, reliance was placed by the petitioners therein upon various judgments, including the judgment passed in the case of **Reshma Footwears**



CWP-13333-2016

20

(P) Ltd. (supra) as well as the case of *Lehri Singh and others (supra)* as is sought to be relied upon by the learned counsel for the petitioners in the present case also. The Co-ordinate Division Bench of this Court after considering all the issues had observed that the writ petitions in the case of *Reshma Footwears (P) Ltd. (supra)* as well as *Lehri Singh and others (supra)* were filed in the year 2004, whereas the petitioners therein had approached the Court in the year 2017 and thus, the delay in filing of writ petitions by the petitioners therein was taken into consideration along with other factors to dismiss the said writ petition. In the said case, the Co-ordinate Division Bench had taken note of the grievance of the petitioners therein to the effect that they had not received the compensation awarded to them and that they were in possession of the land, but however did not grant any relief to the said petitioners therein. Reference was made to various judgments of the Hon'ble Supreme Court while dismissing the said writ petition. It has not been disputed before us that the said judgment has attained finality and thus, the landowners who had filed writ petitions in the year 2017 challenging the impugned notifications by relying upon the same judgments which the petitioners also wish to rely upon, did not meet any success.

27. Further the Co-ordinate Division Bench of this Court in the case of *Desraj and others (supra)* had observed that in the cases in which challenge is made to the notifications vide which land is sought to be acquired, the concept of negating the challenge on account of the doctrine of delay and laches is well recognized. It was observed that even in case there were procedural irregularities or the status of the land at the time of initiation



of the acquisition proceedings had not been taken into consideration in a proper manner, at the time of rejecting the objections filed under Section 5A of the 1894 Act, the landowner was not entitled to raise such pleas after much delay, as such pleas have to be raised at the first instance and immediately when the cause of action arises to the landowner. It was further observed that in case the landowner chooses to remain silent and allows the State to proceed, then, apart from the fact that the case is to be rejected on the ground of delay and laches, even the doctrine of acquiescence would come into play, which is sufficient to take away that right and any such plea is required to be rejected at the threshold. It was also observed that such silence would be conclusive evidence of the waiver of interest on the part of the litigant and that the doctrine of acquiescence acts as an estoppel which bars the litigant from complaining about the violation of his right. It was further observed that dead and stale claims cannot be revived at a belated stage.

28. The Co-ordinate Division Bench in the abovesaid judgment had made the said observations after taking into consideration the well known facet of law that whensoever there was conflict between public interest and private interest, the private interest has to make way for the public interest. The challenge thus made by the petitioners therein to the acquisition proceedings was rejected by taking into consideration the delay in challenging the same. Although in the said case it was the case of the petitioners therein that there was construction on the land in question and the said petitioners had even filed objections under Section 5A of the 1894 Act, which two aspects are not there in the present case and yet the Co-ordinate



Division Bench dismissed the case by observing that the cause of action for seeking release of the constructed portion had arisen at the time of the notification under Section 6 and not after a period of several years and thus, in spite of the said two aspects being in favour of the petitioners therein, they were not granted any relief. The Division Bench in the abovesaid case also took into consideration the judgment of the Constitutional Bench of the Hon'ble Supreme Court in the case of ***Indore Development Authority (supra)*** in which it had been observed that the dead and stale claims cannot be revived.

29. This Court has seen that in a large number of cases of acquisition of land under the Act of 1894, which had been initiated decades earlier and in which, the award had also been passed and where the landowners either had filed a petition and had lost their case or had not filed any petition, suddenly sprung up after the coming into force of the new Act i.e. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in order to take benefit of Section 24(2) of the said Act which provides for lapsing of the acquisition proceedings in certain circumstances. In the said belated writ petitions, an endeavour has also been made to raise issues which had become stale and dead and which the landowners had acquiescence to or were barred from raising the same on the ground of delay and laches. Further, after the plea under Section 24(2) of the 2013 Act had been finally answered by the Hon'ble Supreme Court in the Constitution Bench judgment in the case of ***Indore Development Authority (supra)*** against the landowners, the landowners instead of resting their case have now sought to raise pleas



which were barred in view of the abovesaid principles and thus, endlessly engaged the Court with respect to settled acquisitions, bringing no finality to the acquisition proceedings and inordinately delaying the development of the area concerned. The present case is also one such case. The present petition is admittedly filed in the year 2016 challenging the award of the year 2004 and suffers from delay and laches and in view of the law laid down in the abovesaid judgment, the petitioners cannot be permitted to raise stale pleas.

30. The argument raised on behalf of the petitioners to the effect that the case on which reliance is being placed by the petitioners was although instituted in the year 2004 but had attained finality in the year 2016 and it is after the said case had attained finality, the petitioners have chosen to file the present petition and the said ground is a reasonable ground to overlook the ground of delay, laches and acquiescence, deserves to be rejected. In case such a plea is accepted and notification qua the land of the petitioners which, admittedly is vacant land is quashed on the said plea, then, the same would have a cascading effect. Another set of landowners who may also be having vacant land and are fence-sitters like the petitioners would then possibly raise the plea of parity on the basis of the present case and would rely on there new borne cause of action to challenge the acquisition. Thus, acceptance of the said plea would lead to a situation where there would be no finality to acquisition proceedings and would endlessly delay the development of the area concerned.

31. The judgment referred to by the learned counsel for the petitioners in the case of ***Royal Orchid Hotels Limited and another (supra)*** on the aspect of delay and laches would, in the facts and circumstances of

**CWP-13333-2016****24**

the present case, not further the case of the petitioners. In the said judgment, it has been observed by the Hon'ble Supreme Court that the person, who is not vigilant and does not seek intervention of the Court within a reasonable time from the date of accrual of cause of action or the alleged violation of the constitutional, legal or other rights, is not entitled to relief under Article 226 of the Constitution of India. In the said judgment, although it was observed that no hard and fast rule could be laid down with regard to the exercise of discretion of rejecting the case on the ground of delay and laches but it was further observed by relying upon various judgment that every case has to be decided on its own facts. This Court is of the view that in view of the facts and circumstances of the present case, the petitioners cannot be permitted to raise the dead claims after a lapse of 12 years.

32. Additionally, it would be relevant to note that as far as the challenge to the notification qua land comprised in Khasra No.3580/951 (0-11) is concerned, wherein it is the case of the petitioners themselves that they have inherited 1/5th share from Dharam Singh, the challenge is also barred under Order II Rule 2 CPC as well as the principles of constructive *res judicata*. It is not in dispute that Dharam Singh, apart from having share in Khasra No.3580/951, was also owner of other land and the abovesaid khasra number as well as the other land were sought to be acquired by virtue of the same notifications issued under Sections 4 and 6 of the Land Acquisition Act, which are the subject matter of challenge in the present petition. It is also not in dispute that the said Dharam Singh had challenged the notifications in question by filing CWP-10904-2004 and did not include the said khasra number, although the same was also sought to be



CWP-13333-2016

25

acquired. The cause of action to the said Dharam Singh to include the abovesaid khasra number had arisen on the date the notification dated 10.04.2003 issued under Section 6 of the Act of 1894 but the said Dharam Singh did not choose to include the abovesaid khasra number in the writ petition filed in the year 2004. The provisions of Order II Rule 2 CPC specifically provide that every suit shall include the whole of the claim which the litigant is entitled to make in respect of the cause of action within the jurisdiction of the Court and further specifically provides that omissions to claim any relief would then bar the said litigant from filing fresh proceedings to claim the said relief. The coordinate Division Bench of this Court in the case of ***Mithan Lal Gupta (supra)*** by relying upon Rule 32 of the Writ Jurisdiction (Punjab and Haryana) Rules, 1976 has held that said principle would also apply to writ proceedings. The relevant portion of said judgment is reproduced hereinbelow:

“11. Thirdly, any cause of action available to the appellant prior to institution of CWP-21603-2016 but not urged in the said writ petition, was also barred by the principle enshrined in Order 2 Rule 2, Code of Civil Procedure, 1908, as applicable mutatis mutandis to writ proceedings vide Rule 32, Writ Jurisdiction (Punjab & Haryana) Rules, 1976. Said Rule reads as under:

“32. In all matters for which no provision is made by these rules, the provisions of the Code of Civil Procedure 1908, shall apply mutatis mutandis, in so far as they are not inconsistent with these rules.”

33. The SLP No.12574-12757 of 2020 filed against the said judgment has been dismissed by the Hon’ble Supreme Court vide order dated 08.08.2022. The abovesaid provision as well as the law laid down in the abovesaid judgment would apply on all fours in the present case.



34. Further the Hon'ble Supreme Court in the case of ***Direct Recruit Class II Engineering Association Limited (supra)*** by relying upon the judgment of the Hon'ble Supreme Court in the case of ***Forward Construction Company and others Versus Prabhat Mandal (Regd.) Andheri and others*** reported as ***1986 (1) SCC 100*** had observed that an adjudication is conclusive and final not only as to the actual matter determined but also as to every other matter which the parties might and ought to have litigated and every matter coming into the legitimate purview of the original action. It was further observed that the principle of constructive *res judicata* is also applicable to writ petitions. In view of the abovesaid principles also, the writ petition filed by the petitioners, more so qua the share inherited by the petitioners from Dharam Singh deserves to be rejected.

35. The argument raised by learned counsel for the petitioners to the effect that with respect to every khasra number, the petitioners would have a separate cause of action, cannot be accepted. It would be relevant to note that even in the judgment of the Hon'ble Supreme Court in the case of ***M/s Channappa (D) Thr. Lrs. (supra)*** which has been relied upon by the counsel for the petitioners, it has been specifically observed that the object of Order II Rule 2 CPC was to prevent multiplicity of suits/litigation and the provision is founded on the principle that a person shall not be vexed twice for one and the same cause and that a correct and a reliable test to see the applicability of Order II Rule 2 CPC is to determine whether the claim in the subsequent suit is founded upon a cause of action which is distinct from the cause of action in the earlier case. The law laid down in the abovesaid case



by the Hon'ble Supreme Court would in fact go against the proposition propounded on behalf of the petitioners. Once several khasra numbers are sought to be acquired by virtue of notifications issued under the Land Acquisition Act, then the cause of action to challenge the acquisition would be the issuance of the notifications and in case while laying a challenge to the said notifications, the landowner does not include certain khasra numbers, then, the said landowner/litigant is barred from filing a subsequent petition again challenging the same notification qua other khasra numbers. In case the argument raised on behalf of the petitioners is accepted, then, in a case where a landowner is owner of several khasra numbers regarding which notification regarding acquisition has been issued under Sections 4 and 6 of the Land Acquisition Act, the petitioner would keep filing successive petitions with respect to every khasra number at different stages which would be against the mandate of the provisions of Order II Rule 2 CPC.

36. It is not disputed before us that the petitioners or their predecessor-in-interest had not filed any objection under Section 5-A of the Land Acquisition Act, 1894 with respect to the land in question. The Hon'ble Supreme Court in the case of *Delhi Administration (supra)* has observed that in case the person interested has not filed objections under Section 5A of the Land Acquisition Act, 1894, then, in principle, it should be accepted that they have no objection to the notification issued under Section 4 of the Land Acquisition Act operating in respect of their property and then, logically Section 6 declaration must be deemed to be enforced as far as they are concerned. It was also observed that quashing a notification in the case of an individual writ petition could not be treated as quashing the



CWP-13333-2016

28

whole of the notification. It is thus incumbent upon the litigant to be vigilant and to act immediately when the cause of action arises and the fence-sitters cannot be given any benefit in the proceedings under Article 226 of the Constitution of India.

37. As has been stated hereinabove, the present writ petition was filed in the year 2016 in which the first question of law which was raised in paragraph 5A was as to whether the present acquisition proceedings have lapsed in view of Section 24(2) of the 2013 Act. The writ petition was allowed by the coordinate Division Bench of this Court vide order dated 30.10.2017 solely in view of the provisions of Section 24(2) of the 2013 Act, as it was observed that the acquisition of land owned by the present petitioners had lapsed. It is not in dispute that the respondents had challenged the said judgment dated 30.10.2017 by filing ***SLP (C) No.6610 of 2019*** titled as ***The State of Haryana and others Versus Gopal Singh Rathi and others*** and the Hon'ble Supreme Court vide order dated 15.02.2024 had set aside the judgment and had made the following observations:

“3. Having heard the learned A.A.G. for the appellants and the learned counsel for the respondents and carefully perusing the material placed on record, it appears that the High Court had declared the acquisition proceedings in question as lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. However, it is not disputed by the learned counsels for the parties that in view of the later decision in the case of “Indore Development



Authority vs. Manoharlal And Ors. Etc.” Reported in (2020) 8 SCC 129, the matter is required to be remitted to the High Court for fresh consideration.

4. ***In that view of the matter, the impugned order passed by the High Court is set aside and the matter is remitted to the High Court for fresh consideration in the light of the Judgment in the case of Indore Development Authority (supra).***

5. *It is clarified that all legal contentions are kept open to be raised by both the parties, as may be permissible.*

6. *The appeal stands allowed in above-terms.*

7. *Pending applications, if any, also stand disposed of.”*

A perusal of the above observations would show that the High Court was directed to consider the matter afresh in the light of the judgment passed in the case of ***Indore Development Authority (supra)***.

38. The Hon'ble Supreme Court in the case of ***Indore Development Authority (supra)*** had observed that word 'or' used in Section 24(2) between possession and compensation has to be read as 'nor' or as 'and' and the deemed lapse of land acquisition proceedings under the said provision could only be in a situation where the possession of land has not been taken nor compensation has been paid and in other words, in case the possession has been taken but the compensation has not been paid there would be no lapse and similarly if compensation has been paid and possession has not been taken then also there would be no lapse. It was further observed that in case the obligation under Section 31 of the 1894 Act had not been fulfilled, then, interest under Section 34 of the said Act is to be granted and non-deposit of

**CWP-13333-2016****30**

compensation in court does not result in the lapse of land acquisition proceedings and in case of non-deposit with respect to the majority of holdings for five years or more, then, compensation under the Act of 2013 is required to be paid to the "landowners". It was further observed that the landowners who had refused to accept compensation or sought reference for higher compensation, then, they cannot claim that the acquisition proceedings had lapsed under Section 24(2) of the Act. The Hon'ble Supreme Court had further specifically observed that the provision of Section 24(2) of the Act of 2013 does not give rise to a new cause of action to question the legality of concluded proceedings and applies only to a proceeding pending on the date of enforcement of the Act of 2013, i.e., 1.1.2014 and does not revive stale and time-barred claims and does not allow the landowners to question the legality of mode of taking possession to reopen proceedings. With respect to mode of taking possession under the 1894 Act, it was observed that drawing of *panchnama* i.e. inquest report/*rapat roznamcha* was valid proof of taking possession in land acquisition cases and subsequent to the same, the land would vest in the State and any re-entry or retaining the possession thereafter was unlawful and the person who continued in possession would be a trespasser. Para 363 of the said judgment is reproduced as under: -

“363. In view of the aforesaid discussion, we answer the questions as under:

- 1. Under the provisions of Section 24(1)(a) in case the award is not made as on 1.1.2014 the date of commencement of Act of 2013, there is no lapse of proceedings. Compensation has to be determined under the provisions of Act of 2013.*



2. *In case the award has been passed within the window period of five years excluding the period covered by an interim order of the court, then proceedings shall continue as provided under Section 24(1)(b) of the Act of 2013 under the Act of 1894 as if it has not been repealed.*

3. *The word 'or' used in Section 24(2) between possession and compensation has to be read as 'nor' or as 'and'. The deemed lapse of land acquisition proceedings under Section 24(2) of the Act of 2013 takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse.*

4. *The expression 'paid' in the main part of Section 24(2) of the Act of 2013 does not include a deposit of compensation in court. The consequence of non-deposit is provided in proviso to Section 24(2) in case it has not been deposited with respect to majority of land holdings then all beneficiaries (landowners) as on the date of notification for land acquisition under Section 4 of the Act of 1894 shall be entitled to compensation in accordance with the provisions of the Act of 2013. In case the obligation under Section 31 of the Land Acquisition Act of 1894 has not been fulfilled, interest under Section 34 of the said Act can be granted. Non-deposit of compensation (in court) does not result in the lapse of land acquisition proceedings. In case of non-deposit with respect to the majority of holdings for five years or more, compensation under the Act of 2013 has to be paid to the "landowners" as on the date of notification for land acquisition under Section 4 of the Act of 1894.*

5. *In case a person has been tendered the compensation as provided under Section 31(1) of the Act of 1894, it is not open to him to claim that acquisition has lapsed under Section 24(2) due to non-payment or non-deposit of compensation in court. The obligation to pay is complete by tendering the amount under Section 31(1). Land owners who had refused to accept compensation or who sought reference for higher compensation, cannot claim that the acquisition*



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

6. *The proviso to Section 24(2) of the Act of 2013 is to be treated as part of Section 24(2) not part of Section 24(1)(b).*

7. ***The mode of taking possession under the Act of 1894 and as contemplated under Section 24(2) is by drawing of inquest report/memorandum.*** *Once award has been passed on taking possession under Section 16 of the Act of 1894, the land vests in State there is no divesting provided under Section 24(2) of the Act of 2013, as once possession has been taken there is no lapse under Section 24(2).*

8. *The provisions of Section 24(2) providing for a deemed lapse of proceedings are applicable in case authorities have failed due to their inaction to take possession and pay compensation for five years or more before the Act of 2013 came into force, in a proceeding for land acquisition pending with concerned authority as on 1.1.2014. The period of subsistence of interim orders passed by court has to be excluded in the computation of five years.*

9. ***Section 24(2) of the Act of 2013 does not give rise to new cause of action to question the legality of concluded proceedings of land acquisition. Section 24 applies to a proceeding pending on the date of enforcement of the Act of 2013, i.e., 1.1.2014. It does not revive stale and time-barred claims and does not reopen concluded proceedings nor allow landowners to question the legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in the treasury instead of court to invalidate acquisition.***

Let the matters be placed before appropriate Bench for consideration on merits.”

39. It was also observed that when the State Government acquires land and draws up a memorandum of taking possession, that amounts to taking physical possession of the land and that on the property which is acquired, the Government is not supposed to put some other person or the police force in possession to retain it and start cultivating it till the land is used by it for the purpose for which it has been acquired nor the Government



is supposed to start residing or to physically occupy it once possession has been taken by drawing the inquest proceedings/*rapat roznamcha*.

40. With respect to interpretation of the word 'paid' used in Section 24(2) and 'deposited' used in the proviso to Section 24(2) detailed observations were made and it was observed that the deposit in treasury in place of deposit in court causes no prejudice to the landowner or any other stakeholder as their interest is adequately safeguarded by the provisions contained in Section 34 of the 1894 Act, which ensures higher rate of interest than any other Government securities and the said money is safe and can be made available for disbursement to the landowners. In para 228, the Hon'ble Supreme Court had even taken into consideration the standing Order No.28 which was issued in 1909 by the State of Punjab, which provided five modes of payment and it was further observed that the said rules and the standing orders are binding on the concerned Authorities. Paras 228 and 230 of the said judgment is reproduced herein below: -

“228. Standing Order No.28 was issued in 1909 by the State of Punjab and was applicable to Delhi also, which provided five modes of payment in para 74 and 75 thus:

“74. Methods of making payments.—There are five methods of making payments:

- (1) By direct payments, see Para 75(I) infra*
- (2) By order on treasury, see Para 75(II) infra*
- (3) By money order, see Para 75(III) infra*
- (4) By cheque, see Para 75(IV) infra*
- (5) By deposit in a treasury, see Para 75(V) infra*

xxx xxx xxx xxx

230. *Deposit in treasury in place of deposit in court causes no*



prejudice to the landowner or any other stakeholder as their interest is adequately safeguarded by the provisions contained in Section 34 of the Act of 1894, as it ensures higher rate of interest than any other Government securities. Their money is safe and credited in the earmarked quantified amount and can be made available for disbursement to him/them. There is no prejudice caused and every infraction of law would not vitiate the act.”

41. It is thus apparent that the entire law with respect to possession, payment of compensation, vesting and non-revival of stale and time barred claims had been crystallized in the above-said judgment. Since in the present case, as has been detailed hereinabove, the respondents have met the said parameters, thus, the counsel for the petitioners has fairly not agitated his challenge on the aspect of Section 24(2) of the 2013 Act.

42. Further it is the stand of the respondents that the land in question which is vacant piece of land is also affecting the site for Senior Secondary School, 12 mtr. Wide Road, two pavements, parking and site for EWS Housing Scheme as per the layout plan which has been annexed as Annexure R-4 along with the written statement. A perusal of the said plan would fortify the said plea. The plea of the petitioner to the effect that some part of the khasra numbers which are now the property in question are no longer under acquisition, even if taken on face value, then also would not call for releasing the land in question, inasmuch as, any further decrease of the said land at the instance of the petitioner who had come after 12 years of the passing of the award would reduce the area for the above said purposes and would severely prejudice the integrated planning and development of the area in question.

43. This Court would now consider the judgments of which reliance



CWP-13333-2016

35

is sought to be placed upon by the petitioners in the present writ petition filed in the year 2016. Reliance on the judgment of the Division Bench of this Court in the case of ***Reshma Footwear (P) Ltd. (supra)*** is completely misconceived. The said writ petition was filed in the year 2004, whereas the present petition has been filed in the year 2016. In the said case, the challenge to the acquisition was prior to the passing of the award, whereas, in the present case, the challenge has been made after 12 years of the passing of the award. From the perusal of the judgment in the case of ***Reshma Footwears (P) Ltd.***, it is apparent that there were constructions including industrial construction which had been raised and there were also residential houses of the petitioners therein and which constructions had been raised after obtaining due sanction of the plans. Reference in the said case was also made to a policy of the Chief Administrator HUDA vide which it was stated that existing factory should not be acquired and it should be released. On the other hand, land in the present case is vacant piece of land.

44. Even the case of ***Lehri Singh and others*** (Supra) which is also sought to be relied upon by the learned counsel for the petitioners and which was decided vide judgment dated 25.08.2011 pertained to writ petitions which were filed in the year 2004 and were prior to the passing of the award in contrast to the present petition which was filed after 12 years of passing of the award. The said case was found to be similar to the case of ***Reshma Footwear (P) Ltd.*** (Supra), which case, cannot be stated to be similar to the present case. Even reliance placed upon the case of ***Prahlad Singh and others*** (Supra) would not further the case of the petitioners, inasmuch as, the said bunch of writ petitions were also filed in the year 2004 and thus,



CWP-13333-2016

36

challenge was made immediately after the cause of action had arisen whereas the petitioners in the present case had slept over the matter for 12 years. Further, a perusal of the judgment in the case of ***Prahlad Singh and others*** (Supra) would show that the landowners therein had filed objections under Section 5-A(1) whereas no such objections had been filed by the present petitioners or their predecessor with respect to land in question. Further reading of para 21 of the said judgment would show that the landowners therein had placed on record khasra girdawris, jamabandis which reflected their actual and physical possession of the land and even copy of the notices issued in the year 2011 by the Uttar Haryana Bijli Vitran Nigam Ltd. were also produced to show that physical possession of the petitioners therein was continuing. On the other hand, there is no khasra girdawri, annexed alongwith the present petition and even no jamabandi or any other documents subsequent to passing of the award has been annexed to show that the petitioners are in actual and physical possession of the property. At any rate, the petitioners who are fence-sitters cannot now raise challenge to the Notifications on the basis of said pleas, as has been detailed hereinabove. Further in the case of ***Girdhari Lal and others*** (Supra), the writ petitions were filed in the year 2004 and it was also observed that the case of the petitioners therein was in no way distinguishable from the case of the petitioners in ***Reshma Footwear (P) Ltd.*** (Supra) and ***Lehri Singh and others*** (Supra) cases, whereas the said cases are not similar to the present case as has been discussed hereinabove. Further, in the said case as well as in the case of ***Girdhari Lal and others*** (Supra) which judgment was passed after remand order in the case of ***Prahlad Singh and others*** (Supra) (which



CWP-13333-2016

37

was the lead case), Notifications were quashed qua the petitioners therein and it is not that the whole of the Notifications were quashed. Even the case of *Vidya Devi and others (supra)* which was decided along with the SLP filed by the petitioners No.1 and 2 with respect to the estate of Dharam Singh was instituted in the year 2004 and thus the petitioners cannot claim any benefit of the same.

45. Keeping in view the abovesaid facts and circumstances, the present writ petition is meritless, deserves to be dismissed and is accordingly dismissed.

46. Before parting, we wish to place on record our appreciation for learned counsel for the petitioners Mr. Tushar Sharma, Advocate, as well as Mr. Saurabh Mago, DAG, Haryana, learned counsel for the respondents-State who have both fairly and ably argued the matter.

(VIKAS BAHL)
JUDGE

(SUBHAS MEHLA)
JUDGE

July 23, 2026
naresh.k/puneet/pawan/davinder

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No