

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1.)

CWP No.4100 of 2006
Date of Decision:- 15.07.2015.

Rajinder Kumar and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

(2.)

CWP No.18 of 2004 (O&M)

Women Education Trust, Silver Oak and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

(3.)

CWP No.3274 of 2004 (O&M)

Jai Chand

.....Petitioner

Versus

State of Haryana and another

.....Respondents

(4.)

CWP No.3745 of 2004 (O&M)

Gulshan Kumar and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

(5.)

CWP No.17206 of 2005

Roshan Lal Dhanda and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

(6.)

CWP No.11558 of 2010

Balbir Singh and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

(7.)

CWP No.3978 of 2009

Rahul Khurania and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr. Abhishek Singla, Advocate for
the petitioners in CWP No.4100 of 2006.

Mr. O.P. Goyal, Senior Advocate with
Mr. Randeep Singh, Advocate for the
petitioners in CWP Nos.3274 and
3275 of 2004 and 11558 of 2010.

Mr. Avnish Mittal, Advocate for the
petitioner(s) in CWP Nos.4100 of 2006,
CWP No.18 of 2004 and CWP No.3745 of 2004.

Mr. Alok Mittal, Advocate for the
petitioner in CWP No.17206 of 2005.

Mr. S.K. Garg Narwana, Senior Advocate with
Mr. Teevar Sharma Dumerkha, Advocate for the
petitioners in CWP No.3978 of 2009.

Mr. Naveen Kaushik, Additional A.G. Haryana.

Mr. Arun Walia, Senior Advocate with
Mr. Servedaman Rathore, Advocate for
HUDA.

SURYA KANT, J. (ORAL)

1.) This order shall dispose of CWP Nos.4100 of 2006, 18,
3274 & 3745 of 2004, 17206 of 2005, 3978 of 2009 and 11558 of
2010 as all the writ petitions have laid challenge to the acquisition of
petitioners' land carried out vide notifications dated 11.11.2002 and
07.11.2003 issued under Section 4 and 6 of the Land Acquisition Act,
1894 (since repealed), followed by the awards like dated 31.10.2005.
Vide the above said process, the land situated in Tehsil and District
Kaithal was acquired for the development of urban estate at Kaithal.

2.) During the pendency of these petitions, the Land

Acquisition Act, 1894 has been repealed by Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short 'the 2013 Act').

3.) Consequently, the petitioners have moved applications under Section 24 (2) of the 2013 Act claiming that the impugned acquisition has since lapsed.

4.) Though the matter was adjourned to enable the Authorities to file their reply to the aforementioned applications, however, counsel for the parties are *ad idem* that since the adjudication of these applications would require summoning of revenue record etc. For determination of the question of fact(s), it would be appropriate if these applications are decided by the prescribed Authority, namely, the Land Acquisition Collector, Panchkula (who deals with the acquisition at Kaithal also), after giving adequate opportunity of being heard to the petitioners. Learned State counsel has no objection to such an arrangement.

5.) It may also be noticed that in some of the cases, there are additional points raised to assail the subject acquisition though all the petitioners have sought the benefit of Section 24 (2) of the 2013 Act as well.

6.) In this view of the matter, we dispose of these writ petitions with a direction that let the petitioners/land owners submit their respective applications under Section 24 (2) of the 2013 Act along with supporting material within a period of two months from

today. The Land Acquisition Collector, Panchkula is directed to adjudicate such applications after notice to the Department concerned and after hearing the petitioners as well, within a period of four months from the date of submission of such applications.

7.) In those cases where the Land Acquisition Collector does not accept the plea under Section 24 (2), the petitioners shall be at liberty to challenge the award of the Land Acquisition Collector before an appropriate forum along with additional plea(s) taken in their respective petitions. Till such adjudication is made, the parties shall maintain status quo regarding possession or alienation of the subject-land.

**(SURYA KANT)
JUDGE**

**(P.B. BAJANTHRI)
JUDGE**

July 15, 2015.

sandeep sethi