

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

**CWP No. 15348 of 2015  
Date of decision: 30.7.2015**

**M/s Sanjoss Realtors & Builders Pvt. Limited**

**.....Petitioner**

**Vs.**

**The State of Haryana and others**

**.....Respondents**

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL  
HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Sudershan Goel, Advocate with Ms. Rupinder Kaur  
and Mr. Rahul Jain, Advocate for the petitioner.

**Ajay Kumar Mittal,J.**

1. This order shall dispose of CWP Nos.15348, 15361 and 15367 of 2015 as the issue involved in all the three petitions is identical. However, the facts are being extracted from CWP No.15348 of 2015.

2. In CWP No.15348 of 2015, the petitioners seek a declaration that the acquisition proceedings pertaining to its land by way of notifications dated 29.11.2006 and 28.11.2007, Annexures P.2 and P.3 respectively issued under Sections 4 and 6 of the Land Acquisition Act,

1894 (in short, “the 1894 Act”) culminating in the award dated 23.11.2009, Annexure P.4 have lapsed in view 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”)

3. A few facts relevant for the decision of the controversy involved as narrated in CWP No.15348 of 2015 may be noticed. The petitioner – a private limited company is owner in possession of 3 kanals 3 marlas of land which was purchased vide sale deed dated 27.8.2004. Mutation was entered in favour of the petitioner and was sanctioned by the competent authority vide order dated 11.1.2005. The respondents issued a notification dated 29.11.2006, Annexure P.2 under Section 4 of the 1894 Act proposing to acquire land of the petitioner and other land owners for a public purpose namely for development of residential, commercial and institutional area of Sector 19, Panipat. Notification under Section 6 of the 1894 Act was issued on 28.11.2007, Annexure P.3. The award was announced on 23.11.2009, Annexure P.4. According to the petitioner, no compensation amount was offered to it nor the same was deposited for payment in the appropriate court. The land has not been utilized for the purpose for which it was acquired. The possession has also not been taken by the respondents till date. The land surrounding the petitioner's land has already been released from acquisition by the respondents. According to the petitioner, as per provisions of Section 24(2) of the 2013 Act, the acquisition proceedings have lapsed. Hence the instant writ petition.

4. We have heard learned counsel for the petitioner.

5. Admittedly, the land of the petitioner was acquired in the year 2006 for a public purpose, namely, development of residential, commercial

and institutional area of Sector 19, Panipat. The present petition has been filed in the year 2015 after a long period of about nine years.

6. In *Leelawanti and others vs. State of Haryana and others*, (2012) 1 SCC 66, in similar situation wherein also, land acquired in 1976 was sought to be returned by sending a legal notice in the year 1999, the Apex Court repelled the argument of the petitioners in view of the principles of delay and laches while upholding the judgment dated 21.1.2008, passed by a Division Bench of this Court in CWP No.9152 of 2007 titled *Leelawanti vs. State of Haryana*. The relevant observations on the issue of delay and laches are as under:-

“13. We have considered the respective submissions and examined the records. In our view, the High Court did not commit any error by not entertaining the appellants' challenge to the acquisition of land because they did not offer any explanation for the long time gap of more than three decades between the issue of notifications under sections 4 and 6 i.e. 1976 and filing of the writ petition i.e. 2007.”

7. A stale claim is sought to be raked up by way of present petition. Thus, we are not inclined to entertain the petition after such an inordinate delay.

8. Further, the award was passed on 23.11.2009. The claim of the petitioners under Section 24(2) of the 2013 Act cannot be accepted as the award was announced on 23.11.2009. It would be expedient to refer to Section 24(2) of the 2013 Act, which is in the following terms:-

“24. (2) Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894, where an award under the said section 11 has been made five years or more prior to the

commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act:

Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act.”

9. A plain reading of the aforesaid provision clearly spells out that it is applicable in those cases where the award is announced five years or more prior to coming into force of 2013 Act. The award having been announced in the present case on 23.11.2009 does not satisfy the essential requirements of Section 24(2) of the 2013 Act. Learned counsel for the petitioners has not been able to substantiate that the petitioner has any claim under Section 24(2) of the 2013 Act. With regard to the ground of discrimination, a period of six years has passed even after passing of the award. No ground is thus made out for interference on the ground of delay and laches. Consequently, finding no merit in the petitions, the same are hereby dismissed.

**(Ajay Kumar Mittal)**  
**Judge**

**July 30, 2015**  
**'gs'**

**(Rekha Mittal)**  
**Judge**