

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1)

**RA-CW-304-2014 in
CWP-12845-2007 (O&M)**

Surjit Bahadur & Ors.
Versus
State of Haryana & Ors.

(2)

**RA-165-CWP-2014 in
CWP-12121-2007**

Krishan Kumar
Versus
State of Haryana & Ors.

Date of Decision: 30.01.2015

**CORAM: HONBLE MR.JUSTICE SURYA KANT
HONBLE MR.JUSTICE SURINDER GUPTA**

Present: Mr. Rajinder Goyal, Advocate (RA-CW-304-2014)
Mr. Girish Agnihotri, Senior Advocate with
Mr. Vibhor Sharma, Advocate (RA-165-CWP-2014)
for applicant/petitioner

Mr. RKS Brar, Addl. AG Haryana

Mr. Gitish Bhardwaj, Advocate for HUDA

SURYA KANT J. (Oral)

(1) The review-applicant/petitioners seek to review/recall the order dated 23.10.2013 whereby the writ petitions challenging notifications dated 05.03.1990 & 28.02.1991 issued under Sections 4&6 of the Land Acquisition Act, 1894 (in short, 'the Act'), respectively (since repealed) as well as the Award dated 22.02.1993, were dismissed.

(2) It may be mentioned here that both the writ petitions were filed in the year 2007 after an inordinate delay of about 17 years and the same were dismissed primarily on the ground of unexplained delay and laches.

(3) Since the review-applicants, notwithstanding the above-mentioned long delay, took a plea that no compensation was paid and

the land was still in their possession and thus invoked Section 24(2) of the 2013 Act, we heard them on merit and after taking notice of the specific averments made by the Land Acquisition Collector in preliminary objection No.4 to the effect that the amount of compensation has already been offered to the petitioner(s), that we declined to interfere with the subject acquisition.

(4) The review-applicants thereafter approached the Hon'ble Supreme Court in SLP(C) No.6376 of 2014 which was withdrawn by them after arguing the matter at some length with liberty to file review application before this Court to urge that the acquisition proceedings have lapsed under Section 24 of the 2013 Act. Their Lordships permitted the review-applicant(s) to approach this Court without expressing any views on merit.

(5) In support of their plea that the due amount of compensation was not paid to the review-applicants, reliance is placed on some information received under the RTI (Annexure A11). The aforesaid information reveals that out of the awarded amount of ₹24,42,214/-, a sum of ₹15,76,963/- had already been released in favour of landowners and various cheques dated 10.12.2007, 04.02.2008 etc. sent to them were returned and the amount was then deposited before this Court. In this manner, a sum of ₹14 lacs came to be deposited in the Court. Viewed from this angle, it may be seen that out of the total amount of compensation ₹57,26,182/- in respect of all the landowners, a sum of about ₹30 lacs stands disbursed or deposited. This would clearly

demonstrate the State's willingness and anxiety to pay the awarded amount of compensation. The fact that the authorities made an effort to pay the entire amount of compensation in the year 2007-08 further shows their willingness to honour the Award much before the 2013 Act came into force.

(6) The petitioners have nowhere shown that the requisite amount of compensation was not paid or offered to them.

(7) In these circumstances, it is difficult to accept it to be a case of non-compliance of Section 24(2) of the 2013 Act. Having held so, the question whether the recent amendment carried out in Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 would be applicable or not need not be gone into by us.

(8) In this factual backdrop, we do not find any merit in these applications which are accordingly dismissed.

CM-6253-CWP-2014 in RA-CW-304-2014 in CWP-12845-2007

In view of the fact that the review application has been dismissed on merits, no further order is required to be passed in this application seeking impleadment of legal representatives of petitioner No.2.

Dismissed.

(Surya Kant)
Judge

30.01.2015
vishal shonkar

(Surinder Gupta)
Judge