

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Misc.No.3358 of 2014 in/and
Civil Writ Petition No.17463 of 2007 (O&M)
Date of Decision: October 27, 2016

Hari Chand and othersPetitioners
versus
The State of Haryana and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Aashish Chopra, Advocate, for the petitioners.
Ms.Palika Monga, Deputy Advocate General, Haryana.

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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?

Surya Kant, J.

The petitioners have filed CM No.3358 of 2014 purportedly under Article 226 of the Constitution read with Section 151 CPC to decide their main case in terms of the provisions of Sub-section (2) of Section 24 of the 2013 Act, as according to them, the impugned acquisition proceedings are deemed to have lapsed.

It may be noticed at the outset that initially the writ petition was filed challenging the Notifications dated 03.03.2003 and 02.03.2004 issued under Sections 4 & 6, respectively, of the Land Acquisition Act, 1894 (for short, 'the 1894 Act'), as well as Award dated 20.12.2006 in respect of acquisition of about 22 acres of land situated within the revenue estate of villages Badshahpur, Ghasola, Adampur, Tigra and Tikri, Tehsil and District Gurgaon, which was acquired for the development of Residential, Commercial and Institutional Sectors 49 and 50 at Gurgaon.

The writ petition was dismissed by this Court on 22.12.2009. The matter was taken up to the Hon'ble Supreme Court and vide order dated 10.12.2013, it has been remanded back to this Court for fresh disposal in accordance with law. The order of *status-quo* passed by the Hon'ble Supreme Court with respect to possession has also been allowed to operate till the decision of this writ petition. After the matter was remanded, the petitioners have filed the instant application to decide their main case in terms of the provisions of Sub-section (2) of Section 24 of the 2013 Act, as according to them, the impugned acquisition proceedings are deemed to have lapsed. As per the averments made in para Nos.9, 10 & 11, (i) the physical possession of the land has been concededly not taken by the Government; (ii) the Award was passed more than five years prior to coming into force of 2013 Act; and (iii) neither the compensation amount has been paid to the petitioners nor the Land Acquisition Collector deposited the same in the Court to which reference under Section 18 of 1894 Act may be made.

The Land Acquisition Collector, Urban Estates, Haryana, Gurgaon, has filed his reply-affidavit dated 25.05.2015 disputing the claim of petitioners as according to him, physical possession of the acquired land was taken vide Rapat No.225 dated 20.12.2006 and handed-over to the representative of Estate Officer, HUDA, Gurgaon. The Estate Officer-II, HUDA, Gurgaon is still in possession of the acquired land till today.

Having heard learned counsel for the parties and for the reasons assigned in the order of even date passed CWP No.17464 of 2007 (Satnam

Singh and another versus The State of Haryana and others and connected cases, the application as well as the writ petition are allowed in the same terms and the impugned acquisition is declared to have lapsed but subject to same terms and conditions as have been imposed in the cited order of even date.

[SURYA KANT]
JUDGE

October 27, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No

CM No.1642 of 2014 in
CWP No.17463 of 2007.

Hari Chand and others versus The State of Haryana and others

Present: None for the applicant-petitioners.
 Mr.R.D.Sharma, Deputy AG, Haryana.

The applicant-petitioners have moved this application claiming it to be 'in terms of the order dated 10.12.2013 passed by the Hon'ble Supreme Court in Civil Appeal No.286 of 2012 (State of Haryana and others versus Hari Chand and others)".

We have gone through the contents of the application which are totally vague, evasive and misleading. There is not even a whisper what to talk of any specific averment as to how Section 24(2) of the 2013 Act is attracted. The application being totally misconceived is dismissed with a cost of Rs.50,000/- to be deposited by the petitioners in the High Court Bar Association Layers Welfare Fund, within one month. There shall, however, be liberty to the applicant-petitioners to move an appropriate application in accordance with law.

[SURYA KANT]
JUDGE

October 27, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE