

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.17803 of 2016
Date of Decision: 01.12.2016

Kamla

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

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

- | | |
|--|-----------------|
| 1. Whether speaking/reasoned? | Yes |
| 2. Whether reportable? | No |
| 3. Whether Reporters of local papers may be allowed to see the judgment? | Yes / No |
| 4. To be referred to the Reporters or not? | Yes / No |
| 5. Whether the judgment should be reported in the Digest? | Yes / No |

Present: Mr. SP Khatri, Advocate for the petitioner

Mr. RKS Brar, Addl. AG Haryana
Mr. Ravi Dutt Sharma, DAG Haryana

SURYA KANT, J. (Oral)

(1) The award in the instant case was passed on 14.10.2004 vide which the petitioner's land measuring 5 bigha 12 Bisse fully described in para 2 of the writ petition, was acquired. The expropriated owner was obviously not left with any valid or transferable title as the land stood vested in the State free from all encumbrances. Regardless of this fact, the District Town Planner, Sonapat for the reasons best known to him granted no objection certificate for the sale of plot out of the acquired land which the petitioner purchased in the year 2013 vide a registered sale deed.

(2) The question that arises for consideration in this factual backdrop is whether the petitioner is entitled to invoke Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and seek a declaration that the acquisition has lapsed?

(3) The question whether the subsequent vendee can seek such a declaration has been answered against the petitioner by this Court in **M/s National Packing Industries vs. State of Haryana & Ors. (CWP No.2304 of 2014)** decided on 08.08.2014 to which one of us (Surya Kant, J) was a member. With the dismissal of SLP by Hon'ble Supreme Court, that order has attained finality.

(4) For the reasons assigned in **M/s National Packing Industries** case, we are satisfied that the petitioner cannot be permitted to invoke Section 24(2) of the 2013 Act.

(5) Dismissed.

(Surya Kant)
Judge

01.12.2016
vishal shonkar

(Sudip Ahluwalia)
Judge