

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

CWP No. 1318 of 1996 (O&M)

Date of decision : 20.12.2017

Punjab Wakf Board

.. Petitioner

versus

The State of Haryana and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Gurvinder Singh Gill**

Present: None for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana with
Mr. Shivendra Swaroop, Asstt. Advocate General, Haryana and
Mr. Manoj Dhankhar, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

The petitioner has approached this Court praying for quashing of acquisition of land, where notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short 'the Act'), were issued on 27.11.1992 and 17.11.1993, respectively. Award was announced by the Land Acquisition Collector (for short 'the Collector') on 15.11.1995.

The writ petition was dismissed in default on 25.9.1996. However, the order was recalled. Even CM No.21994 of 1996 for restoration of the writ petition, which was dismissed in default, was dismissed in default on 18.10.1996. The order dated 18.10.1996 was recalled on 30.9.1997 and notice in the application for restoration was issued. The writ petition was restored on 23.1.1998 and thereafter admitted.

Learned counsel for the State submitted that after award was announced by the Collector and during the pendency of the writ petition in

this Court, the petitioner received a sum of ₹ 25,73,308/- as compensation for the acquired land on 18.6.1996. Even objections under Section 18 of the Act were also filed, which were referred to the court. Enhanced compensation was deposited with the Court on 10.3.2004, which was withdrawn by the petitioner on 25.3.2004. Even the possession of the land had been taken by HUDA, on which plots had been allotted and the allottees had raised construction thereon. The petitioner had even filed RFA No.204 of 2000 against the award of the reference court, which is still pending. After the possession of the land was taken, it was utilised. The allotments were made by HUDA in favour of the applicants and construction was also raised by them. The petitioner never raised any issue that acquisition in question is under challenge. Hence, it had consented to the acquisition especially after the award was announced by the Collector and receipt of compensation, including enhanced by the court.

The case was shown in the taken up list on 30.10.2017, 27.11.2017 and 12.12.2017, but none appeared for the petitioner. Today as well the position is same.

Dismissed for non-prosecution.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

20.12.2017
sharmila

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No