

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 13083 of 2016 (O&M)
Date of decision: 25.7.2017

Smt. Bhagwati and others

.. Petitioners

v.

The State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Shailendra Jain, Senior Advocate with
Nr. Sahil Nayyar, Advocate for the petitioners.

Mr. Ankur Mittal, Additional Advocate General, Haryana with
Mr. Manoj Dhankhar, Assistant Advocate General, Haryana.

Rajesh Bindal J.

The petitioners have filed the present petition claiming that the acquisition in question has lapsed in view of the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the 2013 Act').

Vide notification dated 13.8.2001, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act'), State of Haryana sought to acquire the land, situated in the revenue estate of village Sikandarpur Ghosi, H.B. No. 68, Tehsil and District Gurugram for residential and commercial Sector 28, Gurugram. The same was followed by

notification dated 9.8.2002, issued under Section 6 of the 1894 Act. The

Land Acquisition Collector announced the award on 3.8.2004.

Learned counsel for the State, on instructions from Satish Yadav, Land Acquisition Collector, Gurugram fairly submitted that in view of the judgment of this Court in CWP No. 5878 of 2003—Amita Banta and another v. State of Haryana and others, challenging the same acquisition, which was allowed on 8.12.2009, quashing the acquisition in question, no cause of action survives to the petitioners to challenge the same acquisition again. The aforesaid judgment of this court was upheld by Hon'ble the Supreme Court with dismissal of Petition for Special Leave to Appeal (Civil) No(s). 13370 of 2010—State of Haryana and another v. Amita Banta and others, decided on 4.10.2013.

In view of the fair stand taken by learned counsel for the State, nothing survives in the present petition. The same is, accordingly, dismissed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

25.7.2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No