

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.1433 of 2015 (O&M)

Date of Decision:-11.12.2017.

Mange Ram and another

... Petitioners

Versus

State of Haryana and others

... Respondents

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

Present:- Mr. N.C. Kinra, Advocate for the petitioners.

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

Ms. Neelam Nehra, Advocate for
Mr. Deepak Balyan, Advocate for HUDA.

Rajesh Bindal, J.

The petitioners have approached this Court claiming two fold reliefs. Firstly, challenge is to the acquisition of land raising the plea of discrimination. Secondly, lapsing of acquisition of land in view of 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') has been claimed.

The notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short 'the Act') were issued on 15.12.2006 and 14.12.2007, respectively. Award was announced by the Land Acquisition Collector (for short 'the Collector') on 30.11.2009.

As far as the claim under Section 24(2) of the 2013 Act is

concerned, no case is made out as the award was announced by the Collector on 30.11.2009 and five years have not lapsed till the enactment of 2013 Act on 1.1.2014, hence no relief can be granted.

As far as plea of discrimination is concerned, in the case in hand as pleaded by the petitioners' counsel, certain portions of land were released prior to the announcement of award by the Collector on 30.11.2009, whereas in some cases licenses were granted on 21.8.2010, the writ petition has been filed in the year 2015, hence, on account of delay and laches even that ground cannot be permitted to be raised.

The present petition is accordingly dismissed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

11.12.2017.
pankaj

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No