

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

CWP No. 14192 of 2016 (O&M)

Date of decision: 12.12.2017

Heera Lal and others

.. Petitioners

vs

State of Haryana and others

.. Respondents

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

Present: Mr. Manoj Kumar Sood, Advocate, for the petitioners.

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

Rajesh Bindal, J.

The petitioners have approached this Court challenging acquisition of land. Notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act'), were issued on 14.8.2008 and 30.8.2008, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 27.8.2010.

Learned counsel for the petitioners submitted that 12 kanals 6 malras land of the petitioners was acquired for development of the master plan road. After the construction of roads, 4 kanals 5 marlas of land of the petitioners remained un-utilized. The same be released from acquisition. It was prayed that though the petitioners have received the compensation, but they are ready to refund the same along with interest in case the remaining un-utilized acquired land is returned.

Learned counsel for the respondents submitted that in the case in hand the petitioner has already received the amount of compensation and

possession of the acquired land has already been taken by the State vide rapat no. 758 dated 27.8.2010 and the same was handed over to the concerned department. The earlier writ petition bearing CWP No. 16122 of 2015 filed by the petitioners was dismissed as withdrawn on 22.1.2016 with liberty to avail of any other remedy available. Present petition filed six years after the award was announced is highly belated.

Heard learned counsel for the parties and perused the paper book.

Earlier the petitioners filed CWP No. 16122 of 2015, which was dismissed as withdrawn on 22.1.2016, to avail of any other remedy available to them, in accordance with law. Fresh writ petition has been filed challenging the acquisition. The process of acquisition was complete after the award was announced by the Collector on 27.8.2010. The petitioners have even received the compensation. The writ petition filed six years thereafter deserves to be dismissed on account of delay and laches only. Further there was no interference even in the earlier writ petition filed by the petitioners.

The writ petition is accordingly dismissed.

(Rajesh Bindal)
Judge

12.12.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No