

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

CWP No. 17046 of 2014 (O&M)

Date of decision: 12.12.2017

Kanchan Sharma

.. Petitioner

VS

The State of Haryana and others

.. Respondents

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

Present: Mr. Jagbir Malik, Advocate, for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana,
Mr. Manoj Dhankhar and Shivendra Swaroop, Assistant
Advocate Generals, 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 1894 Act'), were issued on 26.9.2007 and 25.9.2008, respectively.

Learned counsel for the petitioner submitted that the petitioner purchased constructed house vide sale-deed dated 30.1.2012. Mutation was also sanctioned on 8.2.2012. The house has been constructed about 25 years back. Once the land has been acquired for development as residential area, the house of the petitioner deserves to be released from acquisition. In addition, plea raised is that the petitioner being in possession of the land

acquired, the acquisition 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”).

On the other hand, learned counsel for the State submitted that the award in the case having been announced by the Land Acquisition Collector on 24.9.2010, the provisions of Section 24(2) of the 2013 Act will not be applicable.

As far as challenge to the acquisition on merits is concerned, the petitioner being a buyer after the acquisition process being complete, has no locus standi. Otherwise also, the writ petition deserves to be dismissed on account of delay and laches as the award was announced on 24.9.2010 and the writ petition was filed more than four years thereafter.

After hearing learned counsel for the parties, we do not find any merit in the present writ petition.

As far as the plea of lapsing of acquisition in view of the provision of Section 24(2) of the 2013 Act is concerned, the petitioner is not entitled to raise that plea as the award in the present case was announced by the Collector on 24.9.2010 and period of five years had not lapsed till the enactment of the 2013 Act i.e. 1.1.2014.

As far as the plea for release of acquired land on the ground that house has been constructed thereon is concerned, the petitioner cannot be permitted to raise that plea for the reason that she has purchased the house after acquisition process had already been complete, as the award had been announced by the Collector on 24.9.2010 and the sale deed was registered in favour of the petitioner on 30.1.2012.

For the reasons mentioned above, we do not find any merit in the present writ petition. The same is accordingly dismissed.

(Rajesh Bindal)
Judge

12.12.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned

Whether Reportable

Yes/No

Yes/No