

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

CWP No. 20890 of 2016 (O&M)
Date of decision : 9.8.2017

Shakti Rathi and another

.. Petitioners

versus

State of Haryana and others

.. Respondents

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

Present: Mr. Harkesh Manuja, Advocate, for the petitioners.

 Ms. Palika Monga, Deputy Advocate General, Haryana.

Rajesh Bindal, J.

The petitioners have filed the present petition praying for quashing of the notifications issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act') issued on 17.4.2002 and 10.4.2003, respectively. Award was announced by the Land Acquisition Collector (for short, 'the Collector') on 25.6.2004. Challenge has also been made to the order dated 2.5.2016 (Annexure P-19) passed by the Zonal Administrator, HUDA-cum-Additional Director, Urban Estate, Rohtak in pursuance to the directions issued by this Court for decision of the representation made by the petitioners for considering the claim regarding lapsing of acquisition in terms 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').

The acquisition in the present case was carried out for development as residential, commercial and institutional areas at Bahadurgarh.

As far as contention raised by learned counsel for the petitioners regarding lapsing of acquisition under Section 24 (2) of the 2013 Act is concerned, the petitioners do not fulfil the conditions laid down therein. Admittedly, the amount of compensation has been received by the petitioners. Their claim that they are in possession of the land in question, is totally misconceived, as the land is lying barren, which cannot be said to be in possession of the petitioners. It is only that after acquisition of land, the same is to be utilized by the State. Hence, no case for invoking Section 24 (2) of the 2013 Act is made out. There is no error in the impugned order (Annexure P-19) passed by the Zonal Administrator, HUDA-cum-Additional Director, Urban Estate, Rohtak.

As far as challenge to the acquisition of land otherwise is concerned, in our opinion, the writ petition is highly belated. Notifications under Section 4 and 6 of the 1894 Act were issued on 17.4.2002 and 10.4.2003, respectively. The award was announced by the Collector on 25.6.2004. The writ petition filed more than a decade thereafter has to be dismissed on account of delay and laches only even if in some other cases, which were filed immediately after the acquisition was carried out, this Court subsequently quashed the acquisition of land, which was subject matter of the writ petition filed earlier.

For the reasons mentioned above, we do not find any merit in the present petition.

The same is accordingly dismissed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

9.8.2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No