

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

CWP No. 26788 of 2016 (O&M)

Date of decision : 8.8.2017

Ram Karan and others

.. Petitioners

versus

State of Haryana and others

.. Respondents

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

Present: Ms. Anita Balyan, 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 and the award dated 25.6.2004 passed by the Land Acquisition Collector (for short, 'the Collector') on the ground that the acquisition in the present case has lapsed in view 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 yet to be utilized by the State. Hence, no case for invoking Section 24 (2) of the 2013 Act is made out.

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

8.8.2017
sharmila

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No