

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 7102 of 2017 (O&M)
Date of decision: 5.4.2017

Diptymal and others

.. Petitioners

v.

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Kul Bhushan Sharma, Advocate for the petitioners.

...

Rajesh Bindal J.

The prayer made in the present petition is that acquisition of land in the case in hand has 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').

Briefly, the facts of the case are that vide notification dated 10.6.1988, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act'), State of Haryana sought to acquire land, situated in villages Ballabgarh and Jharsantly, District Faridabad for development as

Industrial Area, Sector 59, Faridabad. The same was followed by notification dated 7.6.1989, issued under Section 6 of the 1894 Act. The Land Acquisition Collector, vide award dated 20.3.1991, assessed the market value of the acquired land.

In the case in hand, the predecessor-in-interest of the petitioners initially filed CWP No. 3576 of 1991—Pt. Jagan Nath v. State of Haryana and others to challenge the acquisition, which was disposed of vide order dated 2.11.2011 directing the State to release the constructed area, as was existing at the time of issuance of notification under Section 4 of the 1894 Act and proportionate area equivalent to the constructed area. Acquisition for rest of the land was upheld. Thereafter, the petitioners filed CWP No. 873 of 2014 in which they submitted that in earlier round of litigation, 602 square yards of land was released, which was forming part of the houses and some open area, however, eight brothers having independent families to live in that area, at least 1,000 square yards of land be released so that each family unit has 125 square yards of land. The writ petition was disposed of on 24.10.2016 directing the State to release 200 square yards more vacant land adjoining to the residential houses of the petitioners.

Now the present petition has been filed seeking to challenge the acquisition relying upon the provisions of Section 24(2) of the 2013 Act claiming that the petitioners are still in possession of the land and even the amount of compensation has also not been paid.

In our view, once the aforesaid relief was available to the petitioners when they filed CWP No.873 of 2014, the 2013 Act having come into force w.e.f. 1.1.2014, the claim now sought to be made by filing a separate petition is barred on the principles of Order 2 Rule 2 CPC.

Accordingly, the writ petition is dismissed.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

5.4.2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No