

CM-4733-CWP-2015 in/and  
RA-CW-171-2015 in  
CWP-11252-2004  
And  
RA-CW-350-2014 in  
CWP-17056-2004

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

CM-4733-CWP-2015 in/and  
RA-CW-171-2015 in CWP-11252-2004  
Date of decision: 21.07.2017

Samunder Singh ...Applicant-Petitioner(s)

Versus

State of Haryana and others ...Respondent(s)

RA-CW-350-2014 in CWP-17056-2004

Narayan Singh and others ...Applicant-Petitioner(s)

Versus

Union of India and others ...Respondent(s)

**CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN  
HON'BLE MR.JUSTICE JASPAL SINGH**

Present : Mr. Saurabh Dalal, Advocate  
for the applicant-petitioner (s)  
in CM-4733-CWP-2015 in/and  
RA-CW-171-2015 in CWP-11252-2004.

Mr. R.K. Verma, Advocate  
for the applicant-petitioner (s)  
in RA-CW-350-2014 in CWP-17056-2004.

Mr. Saurabh Mohunta, DAG, Haryana

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**Jitendra Chauhan, J. (Oral)**

By this common judgment, this Court shall dispose of the  
aforesaid two petitions as common questions of facts and law are involved  
in both these petitions.

The petitioners vide this review petitions pray for quashing of notification issued under Section 4 of the Land Acquisition Act on 17.04.2002 by the Government of Haryana.

The present review petition (RA-CW-171-2015) is hit by culpable delay of 1754 days in filing. However, no application for condonation of delay has been filed for filing the second review petition (RA-CW-350-2014).

The present petitions of the petitioners/applicants were part of bunch of writ petitions which were dismissed by this Court vide order dated 07.05.2010 in case titled as 'Prahalad Singh Vs. State of Haryana' (main case). At the same time 22 writ petitions were decided in favour of the land owners vide case titled as 'Reshma Footwears Vs. State of Haryana and another' decided on 21.06.2010. The next round of litigation was before Hon'ble the Supreme Court, whereby challenger was HUDA, which had preferred SLP challenging the decision rendered in Reshma Footwears's case. The said SLP No.10857-78 of 2011 titled as 'HUDA Vs. Reshma Footwears Pvt. Ltd.' was dismissed by Hon'ble the Supreme Court vide order dated 11.05.2016, wherein Hon'ble the Supreme Court observed that some connected matters have already been remanded by this Court to High Court and those petitions will be decided on their own merits. Thereafter, another case titled as 'Girdhari Lal and another VS. State of Haryana in CWP No.17412 of 2004 was preferred before this Court along with 40

other writ petitions challenging the notification dated 17.04.2002 issued by the State of Haryana under Section 4 of the Land Acquisition Act, 1894. This Court in Girdhari Lal's case set aside the notification dated 17.04.2002 vide order dated 24.04.2014. The highlight of both the review petitions is that the petitioner(s) had never challenged the initial dismissal of their writ petitions vide order dated 07.05.2010. Neither they were part of bunch of petitions which were heard along with Girdhari Lal's case. Now the petitioner(s) seek indulgence of this Court in review application(s) for extending the same benefit as that of Girdhari Lal's case. The petitioner(s) have also argued that during this period the possession of their acquired land has remained ever since with them and they have also not lifted the compensation duly deposited by the Government in the treasury.

On the other hand, the learned State counsel at the very outset states that the present review petition(s) is hit by delay and latches and have been preferred by the petitioner(s) after watchful wait. He placed reliance upon a decision rendered in CWP No.12164 of 2015 titled as '**Dashnam Akhara Sanyasian, Shiv Ganga Mandir, Durgiana Abadi, Amritsar through its Mahant Sanjay Gir Chela Mahant Sri Ravi Dutt Gir Vs. State of Punjab and another**', decided on 29.03.2016, wherein it has been held that in case the possession has not been taken or compensation lifted by the land owners then acquisition proceedings cannot be challenged at a belated stage.

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I have heard the learned counsel for the parties and carefully perused the entire record on file.

However, considering the fact that the present petition(s) have been filed after various rounds of litigation, the notification under Section 4 of the Land Acquisition Act as issued by State of Haryana on 17.04.2002 has been subsequently quashed in Girdhari Lal's case, the petitioner(s) want to take the benefit of the same. It has, however, come to the notice that the possession remained with them and the compensation has not been lifted by them. There is no acceptable explanation for inordinate delay of 1754 days in filing the present petition. Therefore, the same deserves to be dismissed on this score alone. RA-CW-350-2014 is also dismissed on account of delay. In view of the same, in the considered opinion of this Court, the ends of justice would meet in relegating the petitioner(s) to the concerned authority which shall consider their case sympathetically after affording them due opportunities to present their cases in a time bound manner and the decision taken thereof be communicated to the Registrar of this Court.

Disposed of accordingly.

**(JITENDRA CHAUHAN)**  
**JUDGE**

**21.07.2017**  
ashok

**(JASPAL SINGH)**  
**JUDGE**

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|----------------------------|----------|
| Whether speaking/reasoned: | Yes / No |
| Whether reportable:        | Yes / No |