

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no.1789 of 2015 (O&M)
Date of Decision : 19.11.2018

Raj Kumari and another

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE ARUN KUMAR TYAGI

Present : Mr.Harsh Aggarwal, Advocate for the petitioner(s)
Mr. Anil Mehta, DAG, Haryana

MAHESH GROVER, J.(ORAL)

The petitioner claims the benefit of Section 11-A of the Land
Acquisition Act, 1894 which is extracted herebelow:-

“11A Period within which an award
shall be made :- (1) The Collector shall make an award
under section 11 within a period of two years from the
date of the publication of the declaration and if no award
is made within that period, the entire proceedings for the
acquisition of the land shall lapse;

Provided that in a case where the said
declaration has been published before the commencement
of the Land Acquisition (Amendment) Act, 1984, the
award shall be made within a period of two years from
such commencement.

Explanation – In computing the period of

two years referred to in this section, the period during which any action or proceeding to be taken in pursuance of the said declaration is stayed by an order of a Court shall be excluded.”

The land of the petitioner was intended to be acquired under a notification issued under Section 4 of the Land Acquisition Act on 20.8.1980 followed by notification under Section 6 of the said Act on 13.7.1982. Some affected persons filed CWP No. 3799 of 1982 where the passing of the award was stayed vide order dated 3.9.1982. Eventually this petition was dismissed in 1985 resulting in LPA No.889 of 1985 which was also dismissed on 16.11.1990. During the pendency of the proceedings the dispossession of the petitioners therein remain stayed as also the acquisition proceedings. The petitioners had filed a separate writ petition bearing CWP No. 5067 of 1985 where at the time of preliminary hearing stay of dispossession was granted on 18.10.1985. On 2.7.2010 this petition was dismissed. The petitioner never impugned this any further as a result of which the said order became final. On 9.3.2012 the State passed an award.

Limited grievance of the petitioners is that if entire period from 18.10.1985 till 2.7.2010 and till the passing of the award on 9.3.2012 is computed the mandatory period of two years would be exceeded by atleast 8 months. He thus contends that in terms of the said provision the benefit of Section 11-A would be available to them.

Learned counsel for the respondents raises a preliminary objection that even though award was passed in the year 2012 the present petition has been filed in the year 2015 after delay of 3 years.

We find substance in the preliminary objection raised by the

respondents. The petitioners were alive to the controversy as the matter was being agitated before this Court since 1985. Therefore the delay of 3 years assumes significance and we decline interference on the ground of delay and laches. Hence, instant petition is hereby dismissed.

(Mahesh Grover)
Judge

19.11.2018
rekha

(Arun Kumar Tyagi)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No