

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

CWP No.1310 of 2020

Date of Decision: 11.02.2020

Ajay Pandey

....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Harit Sharma, Advocate,
for the petitioner.

KARAMJIT SINGH, J.

The petitioner has filed this writ petition praying for a writ of certiorari, mandamus or any other appropriate writ, seeking quashing of impugned order dated 30.07.2019 (Annexure P-10) and to restrain the respondents from interfering in his peaceful possession over the property in question situated in Village Ajrunda, Tehsil and District Faridabad.

The case of the petitioner is that the property in question was owned by Jamna Devi, Naresh Kumar, Kamlesh, Parvin Kumar, Uma, Arjun Dev, Harish Chand and Naresh Chand. They had entered into an agreement (Annexure P-2) to sell the said property to the petitioner on 25.03.2005 for Rs.47,00,000/- and they received Rs.5,00,000/- as earnest money. Thereafter, additional agreement to sell dated 09.05.2005 (Annexure P-3) was executed between the aforesaid parties and at that time, petitioner paid another sum of Rs.30,00,000/- to the vendors. The said property was acquired, vide Award No.9 of 1977-78 (Annexure P-4). The compensation of the acquired land was never paid to the land owners. The physical possession of the property in

question has not been taken over by the respondents and the same is with the petitioner. The petitioner has sought the release of his land under Sections 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter called, 'Act of 2013'). The representation filed by the petitioner in the light of the direction passed by this Court in CWP No.7830 of 2016 decided on 21.04.2016, was dismissed by the Chairman-cum-Zonal Administrator, HUDA-cum-Additional Director, Urban Estate, Faridabad, vide impugned order (Annexure P-10). Aggrieved by the same, the present writ petition has been filed by the petitioner.

We have heard learned counsel for the petitioner and also gone through the record.

The only grievance of the petitioner is that he is subsequent purchaser of the property in question, which was acquired, vide Award No.9 of 1977-78 and possession of the same was never taken from him by the respondents and even no compensation of the acquired land was ever paid to the land owner. Learned counsel for the petitioner contended that in these given circumstances, the case of the petitioner is covered under Section 24(2) of the Act of 2013 and as such, the aforesaid land acquisition process has lapsed. It is further contended that impugned order (Annexure P-10) is not legal and valid and deserves to be set aside.

We have considered the submissions made by learned counsel for the petitioner.

The award in question was passed in the year 1977-78. It is admitted case of the petitioner that agreement to sell regarding the property in question was executed in his favour in the year 2005 by the original land owners/their LR's. Admittedly, the said transaction took place after 27 years of

the passing of the award. The petitioner has to be treated as a subsequent purchaser. It is settled law that such like subsequent purchaser of the land post-notification of acquisition could not challenge the land acquisition on any ground, whatsoever. In this context reliance be placed on the latest decision of the Hon'ble Apex Court in **Shiv Kumar and another Vs. Union of India, 2019(13) Scale 698.**

The petitioner, being a subsequent purchaser, has got no right to challenge the Award No.9 of 1977-78. Even otherwise, the agreement to sell alleged by the petitioner did not confer any title regarding the property in question in his favour.

We are of the view that there is no illegality in the order (Annexure P-10) as the case of the petitioner is not covered under Section 24(2) of the Act of 2013. Consequently, this writ petition is dismissed being devoid of merits.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

11.02.2020

adhikari

Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No