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

**CWP No. 9738 of 2020**
**Date of Decision: 13.07.2020**

Gian Singh and another ....Petitioners

**VERSUS**

State of Haryana and others ....Respondents

**CORAM: JUSTICE S. MURALIDHAR**
**JUSTICE AVNEESH JHINGAN**

Present: Mr. Shoaib Khan, Advocate for the Petitioners.

Mr. Ankur Mittal, Additional Advocate General, Haryana.

*******

**S. MURALIDHAR, J.**

1. The challenge in the present petition is to a notification dated 26th June, 1989 issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter 'LAA 1894'), a declaration dated 25th June, 1990 under Section 6 of the LAA 1894 as well as the award dated 17th June, 1992, concerning the acquisition of land in *khasra* No. 194, measuring 1 *kanal* in village Jaisingpura Mauja Ramgarh, Tehsil and District Panchkula. According to the Petitioners, the acquisition should be deemed to have lapsed in terms of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter '2013 Act').

2. It is to be noted at the outset that the Petitioners had failed earlier in their challenge to the acquisition proceedings when their writ petition (CWP No. 4438 of 1993) stood dismissed by this Court by its judgment dated 30th March, 2005. This judgment appears to have attained finality.

3. The Constitution Bench of the Hon'ble Supreme Court has in a recent judgment dated 5th March, 2020 in *SLP No. 9036 of 2016 (Indore Development Authority v. Manoharlal)* clarified the legal position as regards the taking of

JITENDER KUMAR
2020.07.13 16:22
I attest to the accuracy and
integrity of this document
Chandigarh

possession for the purpose of Section 24 (2) of the 2013 Act. The Supreme Court has further clarified that the acquisition proceedings under Section 24 (2) of the 2013 Act, would be deemed to have lapsed only if both conditions i.e. **payment of compensation** and **taking of possession** are not fulfilled.

4. Mr. Mittal, Additional Advocate General, Haryana, appearing on advance notice for the Respondents, confirms that in the present case, a *panchnama* has been drawn up to indicate that constructive possession of the land in question has been taken and that therefore, the conditions for a declaration of deemed lapses under Section 24 (2) of the 2013 Act, as clarified by the Hon'ble Supreme Court in ***Indore Development Authority v. Manoharlal (supra)*** are not fulfilled.

5. While finding merit in the submissions of Mr. Mittal, the Court further notes that the Supreme Court in the afore-mentioned judgment i.e. ***Indore Development Authority v. Manoharlal (supra),*** the Constitution Bench has categorically reiterated that Section 24 (2) of the 2013 Act cannot be used to revive dead and stale claims and concluded cases. The Petitioners having already failed in their challenge to the acquisition proceedings way back in the 2005 cannot be now permitted to revive such a challenge through the present petition.

5. For the aforesaid reasons, the Court finds no merit in the present writ petition and it is dismissed as such.

**(S. MURALIDHAR)**
**JUDGE**

**(AVNEESH JHINGAN)**
**JUDGE**

**13th July, 2020**
***jk***

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

JITENDER KUMAR
2020.07.13 16:22
I attest to the accuracy and
integrity of this document
Chandigarh