

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

CWP No.10764 of 2015
Date of Decision : 12.02.2020

M/s Rishab Agro Industries Ltd. ...Petitioner

Versus

State of Haryana and othersRespondents

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

Present: Mr. S.P.Jain, Senior Advocate, with
Mr. Raina S. Thakur, Advocate
for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana,
for the respondents.

KARAMJIT SINGH, J.

The petitioner has filed this Civil Writ Petition for issuance of a writ in the nature of certiorari for quashing of notification under Section 4 of the Land Acquisition Act, 1894, dated 31.03.2008 (Annexure P-6) and notification under Section 6 of the Land Acquisition Act, 1894, dated 27.03.2009 (Annexure P-7) and Award No.9 of 2010 dated 31.05.2010 (Annexure P-8) passed under the Land Acquisition Act.

The case of the petitioner is that petitioner-Company purchased land measuring 3.6 acres in village Rozka Meo, Tehsil Nuh District Mewat, in the year 1992. Thereafter, an industrial unit under the name of M/s Rishab Agro Industries Ltd. was installed in the said land. The said industrial unit was declared sick and its possession was taken over by the Official Liquidator, in the year 1997 and it was restored to the petitioner in the year 2012. In the

meantime, notifications (Annexures P-6 and P-7) were issued to acquire the land including the above said land of the petitioner. The said notifications and the final Award dated 31.05.2010 (Annexure P-8) were passed at the back of the petitioner and at that time, the aforesaid industrial unit was not under the control of the petitioner, rather, it was being managed by the Official Liquidator. The petitioner came to know about the acquisition proceedings in March, 2013. Then, the petitioner approached the concerned authorities for release of its land from acquisition, as the possession of the land in question was never taken over by the respondents. Even, the compensation regarding the said land was never paid to the petitioner. The request made by the petitioner for release of its land was not considered by the respondents. Hence, this writ petition was filed.

The writ petition is contested by the respondents. Shri Parvesh Kumar, Joint Secretary to Government of Haryana, Industries and Commerce Department, filed affidavit on behalf of the respondents, in which, it was admitted that Award in question was passed on 31.05.2010 on the basis of the notifications dated 31.03.2008 and 27.03.2009 issued under Sections 4 and 6 of the Land Acquisition Act. In the said affidavit, it was duly sworn that the land of the petitioner was required for alignment of 60 meter wide road as per layout plan of IMT, Sohna, and part of the land falls in the site reserved for hotel, which is part of the area reserved for Mega Leather Project.

Shri Shyam Singh, Managing Director of the petitioner-Company filed counter-affidavit.

We have heard learned counsel for the parties and also gone through the record relating to this case.

Learned counsel for the petitioner admitted the acquisition proceedings, which culminated into Award dated 31.05.2010. Learned counsel for the petitioner has challenged the said acquisition proceedings on the ground that concerned industrial unit belonging to the petitioner remained under liquidation proceedings from the year 1997 to 2012 and its possession was taken over by the Official Liquidator. It is further contended that no notice regarding the acquisition of the land in question was ever received by the petitioner, who later on came to know about the same in the year 2013. Immediately thereafter, the petitioner approached the respondents for release of its land from acquisition but the respondents did not respond.

Learned counsel for the petitioner further contended that the possession of the land in question is with the petitioner and even no compensation has been paid to the petitioner with regard to the acquisition of the aforesaid land. It is further contended that the industrial unit is already existing in the land in question and the same can be made part of Industrial Model Township, which the Government intends to develop in the acquired land. Learned counsel for the petitioner further contended that the entire acquisition proceedings deserve to be quashed.

On the other hand, learned counsel for the respondents submitted that the impugned Award was passed on 31.05.2010 and it has already attained finality. The present writ petition was filed in the year 2015, after a delay of about five years. On this sole ground, the writ petition deserves to be dismissed.

Learned counsel for the respondents further argued that the land in question has been transferred in the name of State Government and the

compensation has already been deposited in the reference Court in the year 2015. It is further contended that the case of the petitioner is not covered under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter called, 'Act of 2013'). It is further contended that writ petition deserves to be dismissed.

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

One big chunk of land including the land of the petitioner was acquired for setting up of Industrial Model Township, Rozka Meo, Tehsil Nuh, District Mewat. The total area of acquired land was 1558 acres and it was situated in nine villages of Tehsil Nuh, District Mewat. The Award in question was passed on 31.05.2010 and prior to that notifications under Sections 4 and 6 of the Land Acquisition Act were issued on 31.03.2008 and 27.03.2009, respectively. The said notifications were never challenged by the petitioner before passing of the impugned Award. The said Award has been challenged for the first time by the petitioner through this writ petition in the year 2015. The present petition suffers from defect of delay and latches. The petitioner cannot take any benefit of the fact that the petitioner-Company remained under liquidation for a period 1997 to 2012. The delay in filing of writ petition remains unexplained.

As per the respondents, land in question is part of the land required for alignment of 60 meter wide road as per layout plan of IMT, Sohna, and its remaining part comes under the site reserved for hotel, which comes under Mega Leather Project. The compensation of the acquired land of the petitioner was deposited in the reference Court by the Land Acquisition Collector,

Mewat, on 24.04.2015. As per the respondents, the land in question has already been transferred in the name of the State Government. The Award in question was passed on 31.05.2010. So, the case of the petitioner is not covered even under Section 24(2) of the Act of 2013. The fact that the industrial unit is already existing in the land in dispute, is of no help to the petitioner.

As a sequel, we are of the view that no ground is made out to quash the acquisition proceedings, which resulted in Award dated 31.05.2010. Consequently, this writ petition is dismissed, being devoid of merits. We also make it clear that if the land of the petitioner is not going to be utilized for the purpose for which it was acquired, in due course of time or if at any stage, the State Government decides to release the said land in favour of any private builder, it shall give a fresh cause of action in favour of the petitioner to impugn such action or the acquisition of its land before an appropriate forum.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

12.02.2020
adhikari

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