

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

CWP-1015-2017 (O&M)
Decided on: 10th August, 2020

Jagbir and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

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

Present: Mr. Ankur Mittal, Addl. Advocate General, Haryana.

Dr. S. Muralidhar. J

1. The challenge in the present petition is to the acquisition proceedings culminating in an Award dated 27th June, 2008 following a notification dated 30th June, 2005 under Section 4 of the Land Acquisition Act, 1894 ('LAA') and notification dated 5th July, 2006 under Section 6 of LAA for the acquisition of 20 *kanals* and 11 *marlas* of land in Khasra Nos. 11//1 (8-0), 12 (5-19), 18 (6-12) situated in the revenue estate of Village Pritampura, Tehsil and District Sonapat.

2. The present petition was by an order dated 29th January, 2019 adjourned *sine die*, awaiting the judgment of the Constitution Bench of the Supreme Court. That judgment has now been delivered on 6th March, 2020 in a batch of Special Leave Petitions (SLP), the lead cases of which were SLP (C) Nos. 9036-38 of 2016 (***Indore Development Authority v. Manoharlal and others, Etc.***). The Constitution Bench in para 363 of the judgment has

set out the answers to the various questions that arose for consideration.

3. One of the major conclusions of the Supreme Court in the ***Manoharlal (supra)*** is that even if one of the two negative conditions in Section 24 (2) of the 2013 Act stand satisfied, there would be no deemed lapsing of the land acquisition proceedings.
4. In the present case, as far as the taking of possession is concerned, Mr. Ankur Mittal, Additional Advocate General, Haryana has placed on record Rapat No.849 dated 27th June, 2008 whereby the possession was handed over to the Haryana State Industrial and Infrastructure Development Corporation.
5. As far as payment of compensation is concerned, 85.5% of the compensation awarded stands paid.
6. With both negative conditions standing satisfied in the present case, no ground is made out for granting the relief prayed for in the petition.
7. The writ petition is accordingly dismissed.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

10th August, 2020
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No