

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

**CWP No. 14174 of 2016 (O&M)
Date of Decision: 25th August, 2020**

Ajay Kumar and others

...Petitioners

Versus

State of Haryana and others

...Respondents

**CORAM : HON'BLE MR. JUSTICE S. MURLIDHAR
HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present : Mr. Gopal Sharma, Advocate for the Petitioners.

Mr. Ankur Mittal, Additional Advocate General, Haryana.

Dr. S. Muralidhar, J.

1. The challenge in this writ petition is to the land acquisition proceedings which commenced with a notification dated 27th January, 2003 under Section 4 of the Land Acquisition Act, 1894 ('LAA'), a notification dated 23rd January, 2004 under Section 6 of LAA and culminated in the Award dated 20th January, 2006 for the development and utilization of the land for residential and commercial purposes in Sector-17 (Part), Sectors-18 and 19 (Part) at Rewari, Haryana. The prayer *inter alia* is for a declaration of deemed lapsing of the land acquisition proceedings under Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter, '2013 Act')

2. This is the third round of litigation at the instance of these very Petitioners. In the first round, they filed CWP No. 729 of 2006 which was dismissed by this Court on 14th February, 2008. The review application against the aforesaid order also stood dismissed by an order dated 16th March, 2013. Incidentally, these facts have not been disclosed by the Petitioners in the present petition.

3. In the second round, after the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter, '2013 Act') came into force on 1st January, 2014, the Petitioners filed CWP No. 26361 of 2014. This came to be dismissed as withdrawn on 23rd March, 2015 by this Court, granting liberty to the Petitioners to make a representation to the Respondents. The said representation was rejected by a speaking order dated 17th March, 2016. Aggrieved by the aforesaid order dated 17th March, 2016, the Petitioners have filed this petition.

4. When this petition was first listed for hearing on 20th July, 2016, notice of motion was issued. By an order dated 8th November, 2016 status quo was ordered to be maintained. On 29th January, 2019 the petition was adjourned to 31st July, 2019, with liberty being granted to the Respondent/State "to move an appropriate application seeking disposal of the case, in case the matter is decided by the Hon'ble Supreme Court before the date fixed".

5. Since then, the Constitution Bench of the Hon'ble Supreme Court has delivered its judgment in ***Indore Development Authority v. Manoharlal and Ors., etc. AIR 2020 1496*** answering a number of questions concerning the interpretation of Section 24 (2) of the 2013 Act

6. In light of the aforementioned judgment in ***Manoharlal*** (*supra*), none of the issues raised by the Petitioners in the present petition survive for consideration and require to be rejected. It must be noted that possession of the land now stands handed over to Haryana Urban Development Authority as on 8th September, 2014 and compensation in respect of land to the extent of 29 *Kanals* and 12 *Marlas* is said to have been paid to the Petitioners, soon after the Award, on 9th February, 2006.

7. As regards the payment of compensation, the contention of Mr. Gopal Sharma, learned Counsel for the Petitioner is that the total area of the Petitioners' land, which stood acquired, was 30 *Kanals* and 19.5 *Marlas* and that compensation was in fact paid only to the extent of 26 *Kanals*. In response to this submission, Mr. Ankur Mittal, learned Additional Advocate General, Haryana appearing for the Respondents states that although the record shows that compensation in respect of 29 *Kanals* and 12 *Marlas* has in fact been disbursed, if any further compensation is due to the Petitioners, the same will be disbursed to them after checking the records.

8. The Court grants liberty to the Petitioners to the extent that they may approach the Respondents with a representation pointing out the balance compensation amount due to them in terms of the Award dated 20th January, 2006. If such representation is made within 4 weeks from today, it will be examined by the Respondents and if any further payment is due, that amount should be disbursed to the Petitioners, not later than 6 weeks thereafter, in accordance with law.

9. The present petition is dismissed with the above observations.

10. The status quo order dated 8th November, 2016 hereby stands vacated.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

25th August, 2020
Manpreet

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