

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-16909-2015

Date of Decision: 17th November, 2020

Sanjeev Kumar

....Petitioner

Versus

The State of Haryana and another

....Respondents

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

Present: Mr. Vikram Singh, Advocate, for the Petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana.

Dr. S. Muralidhar, J.

1. The prayer in the present petition is for quashing of notification dated 2nd January, 2002 under Section 4 of the Land Acquisition Act, 1894 (in short 'LAA'); a declaration dated 24th December, 2002 under Section 6 of the LAA and the consequential Award dated 21st December, 2004 in relation to acquisition of land in khasra no.7292 of total area measuring 4 bighas 3 biswas and land measuring 3 bighas 15 biswas in khasra no.7292 in villages Karnal, Mangalpur, Phushgarh and Budhakhera, Tehsil and District Karnal. The Petitioner also seeks a declaration of deemed lapsing of 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') and for a direction to the Respondents to release the Petitioner's land in terms thereof.

2. A status report has been filed by the Land Acquisition Collector, Panchkula (in short 'LAC'), on 26th May, 2017 stating *inter alia* that possession of the acquired land was handed over to HUDA on the date of Award itself. Further it is mentioned in para 4 of the reply that as per the

land in khasra No.7292. As far as land in khasra no.7294 is concerned, measuring 1065 square yards, it was released from acquisition vide speaking order dated 3rd August, 2012 as there was a house and temple constructed in the land. As far as the revenue record maintained by the deponent the land khasra no.7292 it shown as *shamlatdeh* land. The total compensation was worked out Rs.3,38,179/-. As regards compensation, it is stated as under:

“ That the total awarded amount of the acquired land is Rs.9,71,88,305/- out of which the Land Acquisition Collector has already disbursed the compensation amount Rs.8,39,13,461/- to the land owners. That as such 86.35% compensation amount has already been paid to the other land owners. Rest of the amount was not paid to the land owners because they are not coming forward to receive the compensation amount and not tendering the documents regarding ownership.”

3. Significantly the Petitioner has chosen not to file a replication to the above status report. The averment that the Petitioner is not shown as owner of the land in khasra No.7292 to which he lays claim has thus remained uncontroverted. Further the averment in the status report of possession having already been taken of the land in question and as regards disbursement of compensation also remain uncontroverted. In the circumstances, the question of granting any relief in terms of Section 24 (2) of the 2013 Act does not arise particularly after the judgment of the Constitution Bench of the Supreme Court in ***Indore Development Authority v. Manoharlal AIR 2020 SC 1496***. Equally there is no question of entertaining any prayer for release of land as prayed for by the Petitioner.

4. There is no merit in the petition and it is dismissed as such. The interim order is hereby vacated.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

17th November, 2020

Davinder Kumar

Whether speaking / reasoned: Yes / No

Whether reportable: Yes / No