

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-16939-2015

Date of Decision: 17th November, 2020

Ishwar Singh

....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 challenge in this writ petition is to a 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 Award dated 21st December, 2004 in respect of the acquisition of land in villages located in District Karnal, for development of the land as residential and commercial area. 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').

2. While directing notice of motion on 1st October 2015, it was noted by this Court that according to the Petitioner neither has possession of the land in question been taken, nor compensation paid or even deposited in the reference Court. On 20th January 2016, status quo was directed to be maintained as regards possession.

3. The present petition was kept adjourned awaiting the judgment of the Constitution Bench of the Supreme Court which has since been delivered in

of the said judgment, none of the grounds urged survive for consideration. The mere fact that the Petitioner continues to be in physical possession of the land in question is to no avail. As explained by the Supreme Court in ***Manoharlal*** (*supra*) once constructive possession is taken by the Respondents, that would satisfy the requirement of the law for the purposes of Section 24 (2) of the 2013 Act.

4. The Petitioner claims not to have collected the compensation. If that be so, it is open to the Petitioner to approach the Land Acquisition Collector concerned in accordance with law for that purpose.

5. There is no merit in this petition and it is dismissed as such on the above terms. The status quo order stands vacated.

(S. MURALIDHAR)

JUDGE

(AVNEESH JHINGAN)

JUDGE

17th November, 2020

Davinder Kumar

Whether speaking / reasoned: Yes / No

Whether reportable: Yes / No