

[CWP-1881-2016]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
206 (294)**

CWP No.1881 of 2016

Date of Decision: 31st August, 2020

Geeta Devi

....Petitioner/Appellant

VERSUS

State of Haryana and others

....Respondent

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

Present: Mr. Chetan Mittal, Senior Advocate with Mr. Harsh Bungar,
Advocate for the Petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana.

Dr. S. Muralidhar, J.:

1. This is a writ petition praying for a declaration that the acquisition proceedings initiated by a notification dated 30th January, 1989 issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter 'LAA') and a notification dated 25th January, 1990 issued under Section 6 of LAA, culminating in an Award dated 18th July, 2011 *qua* the Petitioner's land admeasuring 0.41 acres in Khasra No.1393/683/2 (1-6-0) share ½, situated in village Khandsa, Tehsil and District Gurgaon has lapsed, both in terms of Section 11-A of the LAA as well as Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter, '2013 Act').
2. It is stated by the Petitioner herself in para 3 of the writ petition that she purchased the land in question by a registered sale deed dated 18th August, 2006 i.e. more than 17 years after the notification under Section 4 of LAA and more than 16 years after the notification under Section 6 of LAA, was issued.
3. That the validity of land acquisition proceedings cannot be questioned at the instance of a person, who purchased the land subsequent to the

initiation of land acquisition proceedings in respect of such land, is a settled proposition of law as explained in ***Shanti Sports Club v. Union of India (2009) 15 SCC 705***. The law in this regard reiterated recently by the Supreme Court in ***Shiv Kumar v. Union of India 2019 (13) SCALE 698***, has been reiterated by the Constitution Bench of Supreme Court in ***Indore Development Authority v. Manoharlal AIR 2020 SC 1496***. Consequently, the contention of the Petitioner that prior to purchase of the land in question, she had obtained a no-objection certificate from the District Town Planner, is to no avail.

4. It appears that the pronouncement of the Award was delayed because some of the owners of the lands notified for acquisition had filed CWP No. 3850 of 1990 in this Court, in which petition an interim order dated 25th April, 1990, staying dispossession came to be passed. The said petition was eventually dismissed by this Court on 18th March, 2011.
5. In its reply to the present petition, it has been stated by Respondent Nos. 1 and 2 that after the Award was announced on 18th July 2011, possession of the land in question was handed over to the representative of Haryana Urban Development Authority ('HUDA') under Rapat No. 1034 dated 18th July, 2011. Of the total compensation amount of Rs.2,00,53,905/-, a sum of Rs.1,90,51,210/- was paid to the land owners. The remaining amount is stated to be in the account of the Land Acquisition Collector ('LAC'), Gurgaon. Thus, it is stated that approximately 95% of the compensation amount has been disbursed to the land owners.
6. In view of the above two factual statements, which have not been able to be disputed by the Petitioner, and the legal position as explained by the Constitution Bench of the Supreme Court in ***Manoharlal (supra)***, the question of granting the relief of declaration of deemed lapsing of the land acquisition proceedings under Section 24 (2) of the 2013 Act does not arise.
7. It is claimed by the Petitioner that an area 5 *Biswas* belonging to Vijay Singh, the original owner was left out of the area of land in Khasra No.683 (1-19-0). It appears that the said Vijay Singh was in fact a

Petitioner in CWP-3850-1990, wherein he had questioned the land acquisition proceedings, which petition came to be dismissed by this Court on 18th March, 2011. Clearly, this included the challenge to the acquisition of the land admeasuring 1 *Bighas* 15 *Biswas* of land in Khasra No. 683 min. It is an admitted position that this includes the land to which the Petitioner lays claim.

8. The contention of Mr. Chetan Mittal, learned Senior Counsel appearing for the Petitioner, that the Petitioner is a *bonafide* purchaser, without knowledge of the fact that the land sought to be purchased by her was the subject matter of acquisition proceedings, which was pending challenge in this Court, at the time of such purchase, is to no avail.
9. The submission that the Petitioner continues to remain in possession is again of no avail after the legal position in this regard has been made abundantly clear by the Supreme Court in ***Manoharlal*** (*supra*). The status quo ordered by this Court continued from 25th April, 1990 till 18th July, 2011 and therefore, the Respondents were prevented from taking possession earlier. As already noted, 95% of the compensation amount had been disbursed and the remainder stands deposited with the LAC.
10. A challenge mounted in 2016 to the land acquisition proceedings by invoking Section 11-A of the LAA, much after the coming into force of the 2013 Act is an exercise and futility. As explained in para 363 (9) of the judgment in ***Manoharlal*** (*supra*), the 2013 Act would not give rise to a new cause of action. Further, it is not meant to reopen concluded proceedings. The challenge to the land acquisition proceedings even under the LAA at the instance of Vijay Singh, the original owner, having failed and the decision dated 18th March, 2011 of this Court having attained finality, the question of reviving any challenge to the land acquisition proceedings with reference to Section 11-A of the LAA does not arise.
11. For all the aforementioned reasons, there is no merit whatsoever in the writ petition and it is dismissed as such.

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12. The status quo order dated 29th January, 2016, hereby stands vacated.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

31st August, 2020
Sachin M.

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