

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CWP-20811-2016****Date of Decision: 17th November, 2020**

Murti Devi

....Petitioner

Versus

State of Haryana and others

....Respondents

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

Present: Mr.Rajesh Malik, 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 16th December, 1988 under Section 4 of the Land Acquisition Act, 1894 (in short 'LAA'), a declaration dated 13th December, 1989 under Section 6 of the LAA and an Award dated 23rd March, 1990 in respect of the proceedings for acquisition of land in village Garhi Brahamnan, Tehsil and District Sonipat, 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. It appears that earlier CWP No.4346 of 2001 was filed by the writ Petitioner in this Court. Ultimately that petition was dismissed on 24th October, 2002. It appears that there was no further challenge to said order in the Supreme Court.

3. The Court fails to appreciate how the Petitioner can be permitted to another round of litigation for the same relief arising from the same cause of

action. The present writ petition appears to have been triggered by the Respondents not favourably considering the Petitioner's request made under a representation dated 2nd March 2015 for release from acquisition of the land in question on which she appears to have raised a construction.

4. A status report by way of affidavit of the Land Acquisition Collector (LAC), Rohtak, was filed on 29th November, 2017. It, *inter alia*, states that possession of the acquired land was handed over to the Estate Office, HUDA vide *rapat* No.510 dated 21st April, 1990. As regards compensation it is stated as under:

“3. The total amount of compensation of awarded land measuring 385.56 acres worked out to Rs.5,60,60,491/- out of the total compensation amount, the LAC had already disbursed an amount of Rs.5,45,68,718/- to the landowners, which constitutes 97.33% of the total Award amount. The balance amount of Rs.14,91,773/- in respect of which the landowners did not come forward to receive the payment, is lying deposited in the account of the LAC including the petitioner because her payment is unpaid.”

3. In view of the above affidavit to which no replication has been filed by the Petitioner till date, it is plain that none of the conditions for grant of the relief under Section 24 (2) of the 2013 Act stands fulfilled particularly in view of the decision of the Constitution Bench of the Supreme Court in ***Indore Development Authority v. Manoharlal AIR 2020 SC 1496.*** Nevertheless, it is open to the Petitioner to approach the LAC for release of the compensation amount due to her in accordance with law.

4. There is no merit in this petition and the same is dismissed. The status quo order hereby stands vacated.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

17th November, 2020

Davinder Kumar

Whether speaking / reasoned: Yes / No

Whether reportable: Yes / No