

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-22951-2020 (O&M)

Date of Decision: 17th November, 2020

Netar Pal and others

....Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: JUSTICE S. MURALIDHAR
JUSTICE AVNEESH JHINGAN

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

Mr.Ankur Mittal, Additional Advocate General, Haryana.

Dr. S. Muralidhar, J.

1. The Petitioners seek the quashing of the land acquisition proceedings that commenced with issuance of notification dated 20th April, 1990 under Section 4 of the Land Acquisition Act, 1894 (in short 'LAA'); a declaration dated 18th April, 1991 under Section 6 of the LAA and Award dated 23rd March, 1993 in respect of the proceedings for acquisition of land situated in village Kanhai, Tehsil and District Gurgaon. The Petitioners also seek 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. In the prayer clause, the Petitioners state that they are ready to deposit to the awarded compensation in the Court. In other words, the Petitioners do not dispute that they have received the compensation.

3. In view of the judgment of the Constitution Bench of the Supreme Court delivered in ***Indore Development Authority v. Manoharlal AIR 2020 SC 1496***, the essential conditions for grant of relief of under Section 24 (2) of 2013 Act is not fulfilled. Further the challenge to the acquisition proceedings

appears to be barred by delay and laches. No ground is made out for grant of any of the reliefs prayed for.

4. There is no merit in the petition and it is dismissed as such. 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