

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-22989-2015

Date of Decision: 17th November, 2020

Devdutt and others

....Petitioners

Versus

The State of Haryana and others

....Respondents

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

Present: Mr.Ashish Chopra, Advocate for the Petitioners.

Mr.Ankur Mittal, Additional Advocate General, Haryana.

Dr. S. Muralidhar, J.

1. The challenge in this writ petition is to a notification dated 3rd March, 2003 under Section 4 of the Land Acquisition Act, 1894 (in short 'LAA'); a declaration dated 2nd March, 2004 under Section 6 of the LAA and an Award dated 29th December, 2005 in respect of the proceedings for acquisition of land in village Badshahpur, Tehsil and District Gurgaon, for development and utilization of the land as residential and commercial area. 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. This appears to be second round of litigation concerning the land acquisition proceedings in question. Earlier CWP No.10845 of 2004 was filed which came to be disposed of by this Court by order dated 16th July, 2005 directing that the Petitioners' comprehensive representations for release of land would be considered by a High Powered Committee.

3. As regards the payment of compensation, it is stated in para 17 as under:

“17. That to buttress their claim and/ or submission that the compensation had not been paid to them, the Petitioners sought information from Respondents vide an Application dated October 19, 2015 under the Right to Information Act, 2005 that, before which office, the compensation awarded under Award No.24 dated December 29, 2005 in relation to the land in question, has been deposited. In response to the RTI filed by the Petitioners, they were informed vide letter dated October 21, 2015 from the Land Acquisition Collector, Gurgaon, that the amount of compensation is lying deposited in the office of Land Acquisition Collector till date.”

4. In view of the decision of the Constitution Bench of the Supreme Court delivered in *Indore Development Authority v. Manoharlal AIR 2020 SC 1496*, the Petitioners cannot seek a declaration of deemed lapsing of land acquisition proceedings on the ground of non-payment of compensation. However, it is open to the Petitioners to approach the LAC for release of compensation amount to which they are entitled, in accordance with law.

5. None of the grounds in terms of Section 24 (2) of the 2013 Act are made out for the grant of relief thereunder.

6. The challenge to the land acquisition proceedings which culminated in the Award dated 29th December, 2005 is also barred by its laches. The Petitioners have been waited for more than 10 years to challenge it.

7. There is no merit in the petition and it is dismissed in 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