IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 19543 of 2017 (O&M)
Date of Decision: 25th August, 2020

Satbir Singh and another ....Petitioners

VERSUS

State of Haryana and others ....Respondents

CORAM: JUSTICE S. MURALIDHAR
JUSTICE AVNEESH JHINGAN

Present: Mr. Abhishek Yadav, Advocate for the Petitioners.

Mr. Ankur Mittal, Additional Advocate General, Haryana.

****

Dr. S. Muralidhar, J.,

1. This is a petition seeking the release of the 46 *Kanals* and 7 *Marlas* of land acquired in village Dhaliawas, Tehsil and District Rewari, Haryana. The acquisition proceedings in respect of the aforesaid land commenced with a notification dated 27th January, 2003 issued under Section 4 of the Land Acquisition Act, 1894 ('LAA'), a notification dated 23rd January, 2004 issued under Section 6 of the 'LAA' and culminated in an Award dated 20th January, 2006 passed by the Land Acquisition Collector ('LAC').

2. This is the second round of litigation at the instance of these very Petitioners. Earlier, the Petitioners had filed CWP No. 5801 of 2015 in this Court, which came to be disposed of by an order dated 23rd March, 2015 granting liberty to the Petitioners to "file a detailed and comprehensive representation raising all the pleas as raised in the present petition before the appropriate authority".

JITENDER KUMAR
2020.08.26 11:33
I attest to the accuracy and
integrity of this document
Chandigarh

3. Pursuant thereto, the Petitioner made a representation requesting the Respondents to grant to them the benefit under Section 24 (2) of the Land Acquisition, Rehabilitation and Resettlement Act, 2013 ('2013 Act'). This representation came to be rejected by the Chairperson-cum-Zonal Administrator, Haryana Urban Development Authority ('HUDA') by an order dated 28th June, 2017. The present petition prays *inter alia* for quashing the aforesaid order dated 28th June, 2017 and for a declaration of deemed lapsing of the land acquisition proceedings under Section 24 (2) of the 2013 Act.

4. Notice of motion in the present petition was issued on 30th January, 2018. On 29th January, 2019 the petition was adjourned to 31st July, 2019, with liberty being granted to the Respondent/State "to move an appropriate application seeking disposal of the case, in case the matter is decided by the Hon'ble Supreme Court before the date fixed".

3. The Constitution Bench of the Supreme Court has on 6th March, 2020 delivered its judgment in ***Indore Development Authority v. Manoharlal and Ors., etc. AIR 2020 1496*** answering a number of questions concerning the interpretation of Section 24 (2) of the 2013 Act. In terms of this judgment**,** none of the grounds of challenge raised in the present petition survive and the petition deserves to be rejected on this ground. In particular, it is seen that the challenge to proceedings which culminated in the Award dated 20th January, 2006, was instituted as late as 1st August, 2017 i.e. more than 11 years thereafter. In terms of the judgment in ***Manoharlal*** *(supra),* the ground of delay and laches is in itself sufficient to dismiss this petition.

JITENDER KUMAR
2020.08.26 11:33
I attest to the accuracy and
integrity of this document
Chandigarh

4. It is seen from the details placed before the Court by the Respondents that possession of the land in question was taken on the date that the Award was passed i.e. 20th January, 2006 by Rapat No. 353 and the Petitioners have chosen not to lift the compensation amount.

5. It will be open to the Petitioners to approach the Respondents for release of the compensation amount and such request, if made, will be examined and an appropriate order will be passed by the Respondents in accordance with the law.

6. The petition is dismissed with the above observations.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

25th August, 2020
jk

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

JITENDER KUMAR
2020.08.26 11:33
I attest to the accuracy and
integrity of this document
Chandigarh