

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.21226 of 2017 (O&M)

Date of Decision: 11.02.2020

Ratna Devi

...Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Gurinder Pal Singh, Advocate,
for the petitioner.

Mr. Sudharshan Kumar, Advocate,
for Mr. Deepak Balyan, Advocate,
for the respondents-HUDA.

KARAMJIT SINGH, J.

The petitioner has filed this Civil Writ Petition for issuance of a writ in the nature of mandamus directing the respondents not to interfere into her peaceful possession over the property situated in Khasra No.1361/598/2/1 and 1361/598/2/1/II, situated in village Khandsa, District Gurgaon.

The case of the petitioner is that she purchased the aforesaid land from Jal Kaur through registered sale deed dated 26.12.1990 for valuable consideration. The mutation of the said property was also sanctioned in the name of the petitioner on the basis of the aforesaid sale deed. The petitioner constructed her residential house in the land in question and is residing there since 1991-92 as its owner. The electricity and water connections are also there in the name of the petitioner. The property tax is being paid regularly by the petitioner to the Municipal Corporation. On 16.05.2017, the employees of the Haryana Urban Development Authority (for short, 'HUDA') came and

demolished the major portion of the house of the petitioner, without issuing any notice to her. On this, the petitioner moved an application dated 03.06.2017 to the HUDA but no action was taken on the said application. The portion of the house of the petitioner was illegally demolished. Hence, this writ petition was filed.

On notice of motion, the writ petition was contested by the respondents. Respondent Nos.2 and 3 filed joint written statement, in which, it was pleaded that the land in question was acquired, vide Award dated 16.04.1991 and prior to that, notification under Sections 4 and 6 of the Land Acquisition Act were issued on 16.12.1988 and 14.12.1989. The alleged sale deed in favour of the petitioner was executed by Jal Kaur after the issuance of the said notifications. The site in dispute was lying vacant when the aforesaid notifications were issued. The petitioner has got no right to challenge the acquisition proceedings as she was not the owner of the property in question at the time of issuance of notification under Section 4 of the Land Acquisition Act. The petitioner was in illegal possession of the acquired land and as such, was not entitled to any relief.

We have heard learned counsel for the parties and also gone through the record of the case file.

Learned counsel for the petitioner, while assailing the action taken by the respondents on 16.05.2017, contended that the site in dispute was owned and possessed by the petitioner as she purchased the same from Jal Kaur on 26.12.1990. The mutation, on the basis of the said sale, was entered in the name of the petitioner. The petitioner constructed her house and has been residing there since 1990. HUDA illegally demolished part of the said land.

The petitioner was not in knowledge about the alleged acquisition, prior to

16.05.2017. It is prayed that necessary directions be given to the respondents not to interfere into the peaceful possession of the petitioner on the site in dispute.

On the other hand, learned counsel for the respondents submitted that the petitioner allegedly purchased the property in question from Jal Kaur after issuance of notification under Section 4 of the Land Acquisition Act. Subsequently, notification under Section 6 of Land Acquisition Act was issued and finally Award was passed on 16.04.1991. Jal Kaur challenged the acquisition proceedings through CWP No.4912 of 1990 but the same was dismissed. It is further contended that the petitioner, being a subsequent purchaser, has no right to challenge the acquisition proceedings and the action dated 16.05.2017, which was also based on the said Award. It is pleaded that the writ petition, being misconceived, should be dismissed.

We have considered the submissions made by the learned counsel for the parties.

As per respondent Nos.2 and 3, the land, including the land in dispute, was acquired vide Award dated 16.04.1991. Earlier to that, notifications under Sections 4 and 6 of the Land Acquisition Act were issued on 16.12.1988 and 14.12.1989.

It is the case of the petitioner that she purchased the disputed land from Jal Kaur, vide registered sale deed dated 26.12.1990 (Annexure P-2). The said sale deed was executed after the issuance of the aforesaid notifications under Sections 4 and 6 of the Land Acquisition Act.

In V. Chandrasekaran and another Vs. Administrative Officer and others, 2012(4) R.C.R.(Civil) 588, the Hon'ble Apex Court had held that a person, who purchases land subsequent to the issuance of a Section 4

notification with respect to it, is not competent to challenge the validity of the acquisition proceedings on any ground whatsoever and the sale deed executed in his favour does not confer upon him, any title, at the most he can claim compensation on the basis of his vendor's title.

Recently also the Hon'ble Apex Court has reiterated the same view in **Shiv Kumar and another Vs. Union of India and others, 2019 AIR(SC) 5374**, while holding that purchaser of land post-notification of acquisition, cannot challenge the said acquisition on any ground whatsoever.

In the instant case, the petitioner, being purchaser of the land post-notifications under Sections 4 and 6 of the Land Acquisition Act, has got no right to challenge the aforesaid acquisition proceedings and Award dated 16.04.1991. Also she cannot challenge any further action taken by the respondents on the basis of the aforesaid Award. At the most she can claim compensation regarding the property, which was purchased by her from Jal Kaur, in case, her predecessor-in-interest had not earlier claimed the compensation.

Consequently, this writ petition is hereby dismissed, being devoid of merits.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

11.02.2020

adhikari

Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No