

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
206-4**

CWP No. 2473 of 2017

Date of Decision: 11th August, 2020

Santra Devi and another

....Petitioners

VERSUS

The State of Haryana and others

....Respondents

CORAM: JUSTICE S. MURALIDHAR

JUSTICE AVNEESH JHINGAN

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

Mr. Ankur Mittal, Additional Advocate General, Haryana.

Dr. S. Muralidhar, J.

1. The challenge in this petition is to the land acquisition proceedings culminating in the Award dated 27th June, 2008 following notification dated 30th June, 2005 under Section 4 of the Land Acquisition Act, 1894 ('LAA') and notification dated 5th July, 2006 issued under Section 6 of LAA for the development of Sector-39, Rai. The acquisition was, *inter-alia*, of the land measuring 5 kanals 10 marlas falling in khasra No.14//3 of village Rasoi, Tehsil and District Sonapat.
2. The present petition was on 28th November, 2019, adjourned sine die, awaiting the judgment of the Constitution Bench of the Supreme Court of India interpreting Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act No.30 of 2013 ('2013 Act'). On 6th March, 2020, the Constitution Bench of the Supreme Court delivered its judgment in a batch of Special Leave Petitions (SLPs) and appeals, the lead case of which was S.L.P. (C) Nos.

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9036-38 of 2016 (*Indore Development Authority v. Manoharlal and others etc.*). The conclusions reached by the Constitution Bench in response to the various questions that arose for consideration have been set out in para 363 of the said judgment.

3. At the outset, it is required to be noticed that the present petitioners were not the original owners of the land in question. It is admitted that the land in question was purchased by the present Petitioners through a sale deed dated 10th August 2005, which was subsequent to the notification under Section 4 of LAA. It has been clarified, *inter-alia*, in para 337 of the judgment in *Manoharlal (supra)* that “the beneficiaries, i.e., landowners contemplated under the proviso to Section 24 (2), are the ones who were so recorded as beneficiaries as on the state of issuance of notification under Section 4 of the Act of 1894.” There cannot, therefore, be obviously a questioning of the land acquisition proceedings at the instance of present Petitioners. It has further been clarified that even a power of attorney holder of the original landowner cannot question the land acquisition proceedings. In *Manoharlal (supra)*, this aspect was specifically adverted to in para 337 and it was held as under:

“The provision is not meant to be invoked on the basis of void transactions, and by the persons who have purchased on the basis of power of attorney or otherwise, they cannot claim the benefit under Section 24 as is apparent from proviso to Section 24 (2) and the decision in *Shiv Kumar and Ors v. Union of India and Ors. 2019 (13) SCALE 698*”

4. Learned counsel for the Petitioners did not dispute that the grounds on which the acquisition proceedings have been challenged viz., that the actual physical possession continued to remain with the Petitioners and that the compensation was not yet paid, is no longer available to the Petitioners to urge after the decision in *Manoharlal (supra)*. Indeed, in

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the present case, it is seen that *rapat* No.849 was prepared on 27th June, 2008 itself in respect of the taking over of the possession by the State. Further, Mr. Ankur Mittal, learned Additional Advocate General of the State of Haryana, further submits that mutation of the land in favour of HSIIDC has also been carried out in the land records.

5. As regards compensation, he states that since the compensation amount has not been lifted by the landowners, it has been deposited in the Court of learned Additional District Judge on 6th April, 2015. Further 85.5% of the total compensation amount for the acquisition in question stands disbursed. Consequently, none of the grounds that require to be satisfied in terms of Section 24 (2) of the 2013 Act for declaring the deemed lapsing of land acquisition proceedings stand fulfilled in the present case.
6. Learned counsel for the Petitioners sought to urge that in the Award passed by the Land Acquisition Collector on 27th June, 2008, the land involved in the present writ petition has not been included. This contention cannot be heard to be urged by the present Petitioners, who were not the recorded landowners at the time of issuance of the notification under Section 4 of the LAA.
7. For the aforementioned reasons, there is no merit in this writ petition and it is dismissed as such.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

11th August, 2020
Sachin M.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No