

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

213 (8) CWP No. 5089 of 2015
Date of Decision: 1st September, 2020

Vijay Lata

....Petitioner

VERSUS

State of Haryana and others

....Respondents

CORAM: JUSTICE S. MURALIDHAR
JUSTICE AVNEESH JHINGAN

Present: Ms.Kamalpreet, Advocate for the Petitioner.
Mr. Ankur Mittal, Additional Advocate General, Haryana for the
Respondents.

Dr. S. Muralidhar, J.:

1. This writ petition seeking 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 ('2013 Act') deserves to be rejected in view of the judgment dated 6th March, 2020 of the Constitution Bench of the Supreme Court in ***Indore Development Authority v. Manoharal and others etc., AIR 2020 SC 1496.***

2. Ms. Kamalpreet, learned Counsel for the Petitioners, draws the attention of this Court to an order dated 30th January, 2018 passed by this Court in the present writ petition granting time to the Respondents to seek instructions on the feasibility of allotting an alternative plot to the Petitioners.

3. However, as rightly pointed by Mr. Ankur Mittal, learned Additional Advocate, General, Haryana, considering the fact that the Petitioner is a subsequent purchaser, as noted by this Court in its decision dated 11th March, 2011 in an earlier writ petition filed by the present Petitioner i.e. CWP No.11015 of 1989 (***Smt. Vijay Lata v. State of Haryana and others***) and in light of the law explained by the Supreme Court in ***Shanti Sports Club v. Union of India AIR 2010 SC 433***, which has been reiterated in ***Shiv Kumar v. Union of India (2019) 10 SCC 229***

and subsequently by the Constitution Bench of the Supreme Court in *Manoharal (supra)*, a challenge to land acquisition proceedings, and on that basis, the seeking of an alternative plot, by a subsequent purchaser, would be untenable in law.

4. Consequently, this Court finds no merit in this petition and dismisses it as such. The status quo order, if any, hereby stands vacated.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

1st September, 2020
Satyawan

Whether speaking/reasoned Yes/No

Whether reportable Yes/No