

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
206 (9)

CWP No. 26043 of 2017
Date of decision: 31st August, 2020

Anita and Anr

.....Petitioners

Versus

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. At the outset, Mr. Vikram Punia, learned counsel for the Petitioners states that in view of the judgment of the Constitution Bench of the Supreme Court in *Indore Development Authority v. Manoharlal and others.*, AIR 2020 SC 1496, he gives up any challenge to the land acquisition proceedings in the present case on the basis of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ('the 2013 Act').

2. Nevertheless he insists that this Court should deal with ground No. 11 in the writ petition, wherein it is stated that several chunks of the land of *khasra* No. 16//18 (8-0) including adjoining land had been released that of the acquisition after those land owners had approached this Court in terms of two judgments dated 5th August and 17th August of 2009 in CWP No. 20056 of 2008 and CWP No. 485 of 2009 respectively.

3. The Court is unable to accept the above plea for the simple reason that after the decision of the Constitution Bench of the Supreme Court in

Manoharlal (supra), claims, which are time barred, stale and delayed deserve to be rejected. In para 363 (9) of the said judgment of the Constitution Bench of the Supreme Court held as under:-

“9. Section 24(2) of the Act of 2013 does not give rise to new cause of action to question the legality of concluded proceedings of land acquisition. Section 24 applies to a proceeding pending on the date of enforcement of the Act of 2013, i.e., 1.1.2014. It does not revive stale and time-barred claims and does not reopen concluded proceedings nor allow landowners to question the legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in the treasury instead of court to invalidate acquisition.”

4. By any stretch of imagination a challenge to the land acquisition proceedings that commenced with a notification dated 22nd June, 2006 under Section 4 of the Land Acquisition Act, 1894 (‘LAA’) culminating an award dated 28th November, 2008 being instituted in 2017 would be clearly barred by *laches*. That apart the Petitioners appears to have waited for 8 years after order of this Court to seek parity with writ petitioners whose lands were purportedly released from the ambit of the acquisition. Even on this ground the petition is barred by *laches*.

5. For the aforesaid reasons, there is no merit in this writ petition and it is accordingly dismissed.

6. The *status quo* order, if any, stands vacated.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

31st August, 2020
jk

Whether speaking/reasoned Yes/No

Whether reportable Yes/No