

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

CWP-7909-2016 (O&M)
Decided on: 10th August, 2020

Phoola and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

**CORAM: JUSTICE S. MURALIDHAR
JUSTICE AVNEESH JHINGAN**

Present: Mr. Ankur Mittal, Addl. Advocate General, Haryana.

Dr. S. Muralidhar. J

1. The challenge in the present petition is to the acquisition proceedings culminating in an Award dated 27th June, 2008 consequent upon a notification dated 30th June, 2005 under Section 4 of the Land Acquisition Act, 1894 ('LAA') and notification dated 5th July, 2006 under Section 6 of LAA for the acquisition of 29 *kanals* and 19 *marlas* of land in Khasra Nos. 16//5 (8-0), 8//25(7-12), 2//23(8-0) and 24//3(5-17) situated in the revenue estate of Village Pritampura, Tehsil and District Sonapat.

2. Initially, a status quo order was passed on 28th April, 2016 by this Court. Subsequently, on 7th March 2018 the petition was adjourned *sine die*, awaiting the judgment of the Constitution Bench of the Supreme Court. On 6th March, 2020 the Constitution Bench of the Supreme Court has delivered its judgment in a batch of Special Leave Petitions (SLPs), the lead cases of which were SLP (C) Nos. 9036-38 of 2016 (***Indore***

Development Authority v. Manoharlal and others, Etc.). The Constitution

Bench in para 363 of the judgment has set out the answers to the various questions that arose for consideration.

3. One of the major conclusions of the Supreme Court in the ***Manoharlal (supra)*** is that even if one of the two negative conditions in Section 24 (2) of the 2013 Act stands satisfied, there would be no deemed lapsing of the land acquisition proceedings.

4. Admittedly, as far as possession of the subject land is concerned, the proceedings of possession have been drawn up in Rapat No. 849 dated 27th June, 2008, whereby the possession of the land in question has been handed over to the Haryana State Industrial and Infrastructure Development Corporation.

5. As far as compensation is concerned, there is an admission by the Petitioners themselves in para 8 of the writ petition that they have received compensation.

6. In that view of the matter, there is no merit in the present petition and it is dismissed as such. The *status quo* order stands vacated.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

10th August, 2020
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No