

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CWP No. 5412 of 2018****213 (4)****Date of Decision: 1st September, 2020**

Chander Parkash and others

....Petitioners

VERSUS

State of Haryana and others

....Respondents

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

Present: Mr.N.D. Achint, Advocate for the Petitioners.
Mr. Ankur Mittal, Additional Advocate General, Haryana
for the Respondents.

Dr. S. Muralidhar, J.

1. The challenge in the present writ petition is to the land acquisition proceedings which commenced with the issuance of a notification dated 8th March, 1989 under Section 4 of the Land Acquisition Act ('LAA') followed by a notification dated 7th March, 1990 under Section 6 of the LAA and culminating in an Award dated 30th December, 1996. The Petitioners seek 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').

2. The Petitioners claim to have purchased the land in question from one Jagpal Singh who had earlier challenged the acquisition proceedings in CWP No. 6989 of 1990, which petition was allowed by this Court by a judgment dated 26th May, 2010. However, the Petitioners' own averment in para 10 of the writ petition is as under:

"That the respondents have proceeded to take forcible possession of the house of the petitioner situated in Rect. No. 5, Khasra No. 12/1/1, 1/2/1 and 1/2/2 on the ground that the father of the petitioner was not a party to the writ petition and that the part of the khasra No. 12 of Rect. No. 5 are not separately shown in the CWP No. 6989 of 1990 decided on 26.05.2010, which is an illegal approach of the Respondents because, the notifications Annexure P-3 and P-4 were set aside and with this result all the acquisition of the land as shown in notification Annexure P-3 and P-4 amount to

release from acquisition, irrespective of the fact, whether or not a separate writ petition was instituted by their co-owners including the father of the petitioner named Nathu Ram.”

3. As rightly pointed out by Mr. Ankur Mittal, Additional Advocate General, Haryana, if the land in question, in respect of which relief is now being sought was not part of an earlier challenge to the acquisition proceedings, the fact that a writ petition filed in this Court against such proceedings was allowed, would not aid the case of the Petitioners. Perhaps, for this reason the Petitioners have chosen to file a separate writ petition again raising a challenge to those very acquisition proceedings by invoking Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (‘the 2013 Act’).

4. After the judgment of the Constitution Bench of the Supreme Court in ***Indore Development Authority v. Manoharal and others etc.***, AIR 2020 SC 1496, none of the grounds in the present writ petition challenging the aforesaid acquisition proceedings with reference to Section 24 (2) of the 2013 Act survive. Consequently, this Court cannot grant the Petitioners any of the reliefs prayed for in the petition.

5. Accordingly the writ petition is dismissed. 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