

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

**CWP No. 16355 of 2021
Date of decision 17.09.2021**

Mamta Kharta

...Petitioner

Vs.

State of Haryana and ors.

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr. Aman Bansal, Advocate, for the petitioner.

Mr. Ankur Mittal, Addl.A.G, Haryana and
Mr. Saurabh Mago, AAG, Haryana.

Ritu Bahri, J. (Oral)

Petitioner is seeking setting aside of impugned notification dated 19.07.2002 (P-4), impugned notification dated 17.07.2003 (P-5) and impugned award dated 16.07.2005 (P-6).

This Court, vide order dated 24.08.2021 adjourned the present case to await the decision of CWP No. 9678-2019, wherein challenge was to the notification dated 19.07.2002 (P-4), impugned notification dated 17.07.2003 (P-5) and impugned award dated 16.07.2005 (P-6) for release of their land as per Section 24 (2) of the Right of Fair Compensation and Transparency in the Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Today learned State counsel has informed the Court that CWP No. 9678-2019 has been dismissed on 17.08.2021, keeping in view the judgment of Hon'ble the Supreme Court of India in a case of *Indore*

Development Authority vs. Manohar Lal and others, 2020 (AIR) SC 1496

wherein it has been held that once the amount has been tendered, the obligation has been fulfilled by the Collector. In case a person does not collect the amount, he cannot take the benefit by asserting that the amount has not been paid to him and as such, there is lapse of proceedings. While dismissing CWP No. 9678-2019, this Court in para 9 of the judgment, observed as under:-

“9. The plea of discrimination as sought to be raised by the petitioners is not acceptable when seen in the light of the alleged discrimination pressed into service as the said land has no connection with the land of the petitioners. Discrimination, if any, had to be shown as hostile and merely because some constructed area has been left out of an acquisition, cannot, in itself, be ground for asserting that the others are entitled to the same benefit unless the fact be demonstrated positively, so as to assert that there has been indeed discrimination. We do not find any such aspect which would substantiate the assertion of the petitioners.”

In the present case as well, the petitioner is challenging the same notifications, which was subject matter of CWP No. 9678-2019.

Keeping in view the above fact, the present petition is dismissed.

(RITU BAHRI)
JUDGE

17.09.2021
G Arora

(ARCHANA PURI)
JUDGE