

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.19998 of 2021

Date of Decision: 17.11.2021

Vineet Kumar & anr.

.....Petitioners

Vs.

State of Haryana & anr.

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. PKS Phoolka, Advocate, for the petitioners.

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

RITU BAHRI, J. (ORAL)

The petitioners in the present case are seeking quashing of the notification dated 21.05.2010 (Annexure P-1) No.LAC (H) 2010/NTLA 484, issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act 1894') and notification dated 20.05.2011 (Annexure P-4) issued under Section 6 of the Act 1894 bearing No.LAC H/2011-BTLA/518 and for release of their land keeping in view the parity and to decide their representation dated 28.07.2021 (Annexure P-6).

Learned State counsel has informed that pursuant to the orders dated 04.09.2013(Annexure P-7) and dated 29.05.2014 (Annexure P-8), the competent authority has already rejected the claim of the petitioners vide order dated 01.07.2014 passed by Mr. Anurag Rastogi, Secretary-cum-Director General, Urban Estates Department, Haryana, which is taken on record as Annexure A-1). He relies upon the judgments of this Court passed in *CWP No.16242 of 2021 (Usha Sharma & anr. Vs. State of Haryana &*

State of Haryana & ors.), decided on 14.09.2021, *CWP No.19246 of 2017 (Rajesh Malik Vs. State of Haryana & ors.)* decided on 30.07.2021, *CWP No.4397 of 2019 (Kiran Bansal & anr. Vs. State of Haryana & ors.)* decided on 07.09.2021, *CWP No.15119 of 2021 (Ram Kishan & anr. Vs. State of Haryana & ors.)* decided on 16.09.2021, *CWP No.17711 of 2021 (Krishna Devi & ors. Vs. State of Haryana & ors.)* decided on 21.09.2021 and *CWP No.10008 of 2021 (Pooja Kapoor Vs. State of Haryana & ors.)*, decided on 08.10.2021.

In the above said judgments, it has been observed that once the *Rapat Roznamcha* is entered in favour of the State Government, the land belongs to the Government and even if compensation is not given, the acquisition proceedings will not lapse under Section 24 (2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short '2013 Act'). It has been further observed that benefit of Section 24 (2) of 2013 Act cannot be claimed, even if there is status quo order during the pendency of the writ petition in this Court challenging the notification of the land acquisition cases. It has been further held that the petitioners cannot get release of land on parity if they approach this Court after considerable delay. If land is released in favour of the land owner in the year 2013, the writ petition filed in year 2021 claiming parity it can be dismissed on the ground of delay.

In the present case, as per the order Annexure A-1, the land of the petitioners abuts Sirsa-Dabwali road and falls in chunk of land earmarked for EWS/Ashiana Scheme/Housing Board. Therefore, this land cannot be released as it is required for development of houses for poor sections of the society. However, the petitioners can approach HUDA for

R & R Policy if they are eligible.

The petitioners have submitted a representation dated 28.07.2021 (Annexure P-6) for release of their land. Keeping in view the order Annexure A-1, no direction can be given to decide their representation claiming release of land from acquisition. However, the petitioners can approach HUDA for R & R Policy if they are eligible. In the present case the award was passed on 15.05.2013 and the petitioners have approached this Court after a gap of more than 7 years i.e. on 21.09.2021. Even on the ground of delay also, this writ petition deserves to be dismissed.

Dismissed.

**(RITU BAHRI)
JUDGE**

**17.11.2021
monika**

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*