

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

CWP-252-2022
Date of decision 14.07.2022

Kulwinder KaurPetitioner
vs.

State of Punjab and ors. ...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Vivek Chauhan, Advocate
for the petitioner.

Ms. Anu Pal, DAG, Punjab

Ritu Bahri, J. (Oral)

The present petition is for quashing the notification dated 21.07.2016 (P-2).

On 18.01.2022, learned State counsel on instructions from Sh. Yadvinder Singh, Executive Engineer, Eastern Canal Division, Ferozepur, has informed the Court that after passing of the draft award on 05.10.2016 (P-4), the final award has also been passed on 19.10.2016 and 30% of the compensation has already been disbursed and the rest of the compensation has already been deposited in the office of the Collector.

Recently, this Court in a case of ***Rajesh Malik vs. State of Haryana and others and connected matters, passed in CWP No. 19246-2017, decided on 30.07.2021*** has dismissed the writ petitions, wherein challenge was to the notifications dated 17.04.2002 (P-5), 10.04.2003 (P-6) issued under Sections 4 and 6 of the Land Acquisition Act, 1894 and the award dated 25.06.2004 therein. The writ petitions were dismissed, 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, AIR 2020 SC 1496*** and in a case of ***Sehdev Singh and others vs. State of Haryana and others, passed in CWP No. 8878-2018, decided on 11.11.2020***. This Court while dismissing the writ petitions, observed as under:-

*“In the facts of the present case, as per the details given in the written statement, when notification under Section 4 of the Act was issued, total area notified was 1326.04 acres, out of which, 87.89 acres were released under Section 5-A of the Act and thereafter, area measuring 1238.15 acres was notified under Section 6 of the Act of 1894. The award was announced for the area measuring 1227.13 acres. Petitioner(s) cannot claim parity of release of land as per the judgment passed in **Reshma Footwears (P) Ltd.'s** case (supra). The writ petition (CWP No.2308 of 2004), in that case, was filed way back in the year 2004, which was allowed on 21.06.2010. The petitioners, in the present petitions, have approached this Court in the year 2017 and as per the judgment passed in **Indore Development Authority's** case (supra), once the Rapat Roznamcha has been entered, possession would be with the State Government. Even if, possession has been taken and compensation has not been deposited, then the benefit of Section 24 (2) of the Act cannot be invoked by the landowners. “*

Applying the ratio of the above mentioned judgments to the facts of the present case, the present petition is dismissed, as the petitioner has approached this Court at a very belated stage i.e after passing of the award on 19.10.2016. Further 30% of the compensation amount has already been disbursed and the rest of the compensation has already been deposited in the office of the Collector.

ground is made out to quash notification dated 21.07.2016 (P-2) after a gap of six years.

The writ petition is dismissed.

(RITU BAHRI)
JUDGE

14.07.2022
G Arora

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No