

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

CWP No. 505 of 2020 (O&M)

Date of decision:- 24.08.2022

Santosh Yadav and anr.

...Petitioners

Vs.

State of Haryana and ors.

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: Mr. Narender Pal Bhardwaj, Advocate, for the petitioners.

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

Ritu Bahri, J.

Petitioners are seeking setting aside of notification dated 24.12.2013 (P-3) issued under Section 4 of the Land Acquisition Act; notification dated 23.12.2014 (P-4) issued under Section 6 of the Land Acquisition Act and award dated 20.01.2017 (P-5), vide which the land of the petitioner measuring 2 kanal 11 marla out of 03 kanal 08 marlas, comprised in Khewat Khata No. 135/168 Killa No. 31//3/2/1 at Sivana, Village Naharpur Kasan, Tehsil and District Gurgaon.

The petitioners are seeking setting aside of the above notifications/awards on the ground that the notifications deemed to have been lapsed in view of Section 24 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Petitioners are seeking parity, in view of the judgment dated 05.09.2017 (P-6)

passed in CWP No. 5696-2015 titled as M/s Kohli Holdings Pvt. Ltd vs. State

of Haryana and others whereby this Court allowed a writ petition qua petitioners in reference to the same notification under 1894 Act.

Heard learned counsel for the parties.

A bare perusal of the judgment (P-6) shows that reference was made to Full Bench judgment of this Court "CWP No. 4371-2015' titled as Deepak Aggarwal and another vs. State of Haryana and others, decided on 31.08.2017 wherein it was opined that only the cases where notification under Section 6 of 1894 Act had been issued prior to 01.01.2014, that further proceedings can be carried in terms of the 2013 Act, after the repeal of 1894 Act.

It is not in dispute that against the above judgment, HSIIDC had gone in appeal before Hon'ble the Supreme Court (***SLP (C) No. 16631-16632-2018) titled as HSSIDC Ltd and others vs. Deepak Aggarwal and others***, decided on 28.07.2022. In para No. 34, it has been observed as under:-

"34. To conclude, we hold that for the purpose of sub-Section 1 of Section 24 of the 2013 Act, the proceedings under the L.A Act shall be treated as initiated on publication of notification under sub-section 1 of Section 4 of the L.A. Act. We further hold that when Clause (a) of sub-section (1) of Section 24 of the 2013 Act is applicable, the proceedings shall continue as per the L.A. Act. However, only for the determination of compensation amount, the provisions of the 2013 Act shall be applied."

Since the Full Bench judgment has been set aside, at this stage,

the petitioners cannot claim benefit of judgment dated 05.09.2017 (P-6),

which was passed in view of Full Bench judgment of this Court “CWP No. 4371-2015’.

Accordingly, the writ petition is dismissed.

(RITU BAHRI)
JUDGE

24.08.2022
G Arora

(NIDHI GUPTA)
JUDGE

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