

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-16672-1994

Date of decision: 23.05.2022

M/s BNT Associates Ltd.

..... Petitioner

Versus

State of Haryana and others

..... Respondents

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

PRESENT: Mr.A.P. Bhandari, Advocate for the petitioner.

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

RITU BAHRI, J. (ORAL)

Learned counsel for the petitioner has tried to get in touch with his client by writing a letter but nobody has responded. He has placed record a copy of letter dated 12.05.2022 which he has written to the petitioner-Company. The same is taken on record as Annexure R-1.

The petitioner-Company, is seeking quashing of notifications under Section 4 and 6 of the Land Acquisition Act, 1894 (for short-'the Act'), dated 04.11.1977 and 01.11.1980 (Annexures P-4 and P-6, respectively) and the Award dated 18.11.1982 (Annexure P-11).

On notice, written statement dated 31.08.1995 was filed by the Land Acquisition Collector, Urban Estates, Haryana, Faridabad, on behalf of respondent No. 1. The stand taken is that the petitioner has

challenged this notification after a lapse of 13 years by filing this writ petition in the year 1994. It is further stated in para 14 of the written statement that as per agreement Annexure P-7 only permission of Change of Land Use (CLU) was granted to the petitioner-Company, but the land was never released from acquisition by any authority and after passing of the Award, possession of the land has been taken and handed over to respondent No. 3-Haryana Urban Development Authority, Faridabad. The amount of compensation was deposited with the Land Acquisition Collector.

In a separate reply dated 03.03.1995 filed by respondent No. 4-Municipal Corporation, Faridabad, in para Nos. 21 and 22, it was stated that CLU was granted by respondent No. 4 in favour of the petitioner-Company on 12.09.1977. However, later on, the said permission for change of land use was withdrawn on 02.01.1992, on the ground that the petitioner company has violated clause 1(d) of CLU-II agreement and sold a portion of their plot without obtaining prior permission from the answering respondent as required under the said agreement. The Department of Town and Country Planning, Haryana through D.T.P. (Enforcement), Faridabad had also filed an FIR against the petitioner-company in the year 1991 and as such, construction in the factory premises and the land use area are illegal and in violation of the provisions of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 and Haryana Municipal Corporation Act, 1994. It is further stated that the petitioner-company has further sub-divided their plot into 7 small plots which is

grossly in violation of the Controlled Areas Act and Haryana Municipal Corporation Act, 1994.

No replication has been filed by the petitioner to the reply filed by respondent No. 4. Hence, the CLU which was earlier granted stands withdrawn.

In view of the judgment dated 06.03.2020 of Hon'ble the Supreme Court in **SLP(C) 9036-9038 of 2016, 'Indore Development Authority Vs. Manoharlal and others etc.**, the only grounds remain to be examined in the present writ petition are (i) the petitioner cannot challenge the acquisition proceedings, after a gap of 13 years; (ii) once the Award is passed and possession is deemed to have been taken by the Government as per Rapat Rojnamcha and (iii) after passing of the Award, compensation has already been deposited with the Land Acquisition Collector.

Acquisition cannot be challenged on the above three grounds after a delay of 13 years.

The instant writ petition stands dismissed on merits.

**(RITU BAHRI)
JUDGE**

May 23, 2022
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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No