

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-12409-1995

Date of decision: 23.05.2022

Jatinder Singh Dangi and another

..... Petitioners

Versus

State of Haryana and another

..... Respondents

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

PRESENT: Mr. Amit Jain, Senior Advocate with
Mr. Chetan Salathia, Advocate for the petitioners.

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

RITU BAHRI, J. (ORAL)

The petitioners are seeking quashing of notifications under Section 4 and 6 of the Land Acquisition Act, 1894 (for short-'the Act'), dated 20.08.1992 and 17.08.1993 (Annexures P-2 and P-3, respectively), whereby the land of the petitioners was sought to be acquired.

The main ground for challenge in this writ petition is that the petitioners had entered into an agreement to purchase this land on 20.04.1992, much before the notification under Section 4 of the Act dated 20.08.1992 (Annexure P-2) was issued and they had paid the money to the land owners. Even the boundary wall was constructed before the agreement and possession was delivered on 20.04.1992. The registry was got done on 30.11.1992. The date of registry was after the issuance of

notification under Section 4 of the Act and this is the short question for consideration in this writ petition, whether the sale deed executed after the issuance of notification under Section 4 of the Act, can be made the basis for the release of land from the acquisition proceedings.

Learned counsel for the State has referred to a judgment of a Division Bench of this Court in Ram Prasad Yadav Vs. State of Haryana and others, 2021(3) RCR (Civil) 485, on the proposition that even, if, the entire payment of sale consideration is paid before issuance of notification under Section 4 of the Act and the sale deed was executed after the issuance of said notification, the land cannot be released.

Learned counsel for the petitioners has gone through the said judgment. No contrary law has been cited to show that only on the basis of agreement to purchase which was executed before the issuance of notification under Section 4 of the Act, the land owner has the right to get the land released from the acquisition proceedings.

Since, the matter is squarely covered by the ratio of judgment of a Division Bench of this Court in Ram Prasad Yadav's case (supra), no further order is required to be passed in the instant writ petition and the same stands dismissed.

(RITU BAHRI)
JUDGE

May 23, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No