IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.7120 of 1995
Date of decision: 21.10.2022

Sanjeev Kumar and others

...Petitioners

Vs.

State of Haryana and another

...Respondents

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

Present: Mr. C.S. Bagri, Advocate,
for the petitioners.

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

Mr. Shailendra Jain, Senior Advocate,
with Mr. Satyendra Chauhan, Advocate,
for respondent No.3.

***

Ritu Bahri, J. (oral)

Petitioners are seeking quashing of the notifications dated 09.09.1994 and 28.03.1995 (Annexures P-3 and P-6) issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short '1894 Act'), vide which, land measuring 31 acres, 03 kanals and 03 marlas, including the land of petitioners, was sought to be acquired for the purpose of setting up a Sugar Complex consisting of Sugar Mills, Bagasse Storage Yard, Bagasse based particle Board Mills and Sugarcane Seed Development Firm in Tehsil Chhachhrauli, District Yamunanagar.

After issuance of notification dated 09.09.1994 (Annexure P-3) under Section 4 of 1894 Act, petitioners filed objections under Section 5-A of the said Act by taking a plea that since 1966, all the sugar factories in the

State of Haryana had been set up in the co-operative sector and not by the State Government. Neither the Government of India had granted any Letter of Intent or Industrial Licence to the Industries Department of the State Government for setting up of a sugar mill nor any steps were being taken by the State Government to obtain the Letter of Intent or Industrial Licence from the Government of India. It was also stated that the land proposed to be acquired would ultimately be transferred to M/s Horizon Agrochem Ltd. and there is no public interest involved in the said acquisition.

Grievance of the petitioners is that without deciding their objections under Section 5-A of 1894 Act, notification dated 28.03.1995 (Annexure P-6) under Section 6 of the Act had been issued. Merely an entry in the *Rapat Roznamcha* (Annexure P-7) was made with respect to the alleged publication of the substance of the notification (Annexure P-6). As per petitioners, *Rapat Roznamcha* (Annexure P-7) does not disclose, as to where the said publication was done.

Upon notice, respondent Nos. 1 and 2 filed their written statement taking a stand that pursuant to the notifications under Sections 4 and 6 of 1894 Act, award had been announced by the Land Acquisition Officer-cum-S.D.O. (Civil), Jagadhri on 15.05.1995 in the presence of some of the petitioners. Pursuant to the said award, possession of the acquired land has been taken. Now, the land is absolutely free from all encumbrances. Almost all the petitioners have received compensation in respect of their acquired land. The concerned Patwari and Kanungo have entered *Rapat Roznamcha* at serial No.452 and mutation at serial No.442 of village Kot Sarkari in favour of the Department of Industries. Similarly, *Rapat Roznamcha* at serial No.451 and mutation No.551 in respect of village Kot Basawa Singh had been entered on 17.05.1995. It is further stated that as per letter dated 25.01.1994 (Annexure P-2), Government of India had issued Letter of Intent to M/s Horizon Agrochem Ltd. for setting up of new undertaking in village Kot for manufacture of sugar. In this backdrop, the acquisition proceedings have been intiated vide notifications dated 09.09.1994 and 28.03.1995 (Annexures P-3 and P-6). The notification was also published in Haryana Government gazette on 28.03.1995 as per law. Objections filed by the petitioners were considered before issuing the notification under Section 6 of 1894 Act. The letter of intent dated 25.01.1994 (Annexure P-2) had been issued in favour of M/s Horizon Agrochem keeping in view that Government of India wanted to encourage participation of private sector in setting up of industries.

A separate written statement has been filed by M/s Horizon Agrochem Ltd.-respondent No.3, stating therein that the present petition has been filed at the instance of M/s Saraswati Sugar Mills, Yamunanagar, who had previously also unsuccessfully challenged the grant of licence in favour of respondent No.3. After dismissal of the earlier writ petition, they also approached Hon'ble the Supreme Court by filing S.L.P. It is further stated that petitioner Nos.2 and 13 did not own any land. Petitioner No.11-Gurudwara Sahib has been represented by one Rajbir Singh, who is neither a member of the Gurudwara Sahib Managing Committee nor has been authorized to file the writ petition on behalf of Gurudwara Sahib. All the writ petitioners, except Davinder Singh and Roshan Lal have filed petitions under Section 18 of the Land Acquisitioin Act for enhancement of compensation. The total land under acquisition measures 496 Kanals 04 Marlas and the petitioners' share comes to 107 Kanals 14 Marlas only.

Owners of remaining land have already accepted the acquisition and have not challenge the same.

In the replication to the written statement, it is specifically stated that no agreement as contamplated under Section 43 of the 1894 Act has been executed between the Government and respondent No.3-M/s Horizon Agrochem Ltd. The Union Government or the Government of Haryana are not bound to provide land to respondent No.3. Rather, respondent No.3 is bound by the provisions of Sections 39 to 42 of the Act. It is denied that the writ petition has been manipulated by M/s Saraswati Sugar Mills.

Subsequently, amended written statement has been filed by the Joint Director, Industries on behalf of respondent Nos.1 and 2, wherein it is stated that compensation in respect of standing crop was also given to the petitioners, as assessed by the revenue authorities. References under Section 18 of the Act are pending consideration before the competent authority. It is stated that the Sugar Mills are not categorized as highly polluting industry by the Government of India, for which the site clearance is necessary. It is mandatory for the industrial unit to get 'NOC' and consent from the Haryana Pollution Control Board before the project is implemented. The State Government is not making any investment in this project. Rather, the investment for this project, is coming from the private sector. The basic challenge to the acquisition proceedings is on the ground that procedure prescribed in Chapter VII of the Land Acquisition Act has not been followed.

In the present case, land has been acquired as per provision of Section 43 of 1894 Act and the Government is/was bound to provide land to the private firm namely, M/s Horizon Agrochem Ltd. The provisions of Sections 39 to 42 are not applicable. The Government is or was bound to provide land to the company. M/s Horizon Agrochem Ltd. got a letter of intent dated 25.01.1994 from the Union of India for setting up a sugar Mill. After getting letter of intent, the said company, vide letter dated 08.02.1994, requested the Government of Haryana to provide land for the project. Thereafter, the Director of Industries, Haryana, vide letter dated 22.02.1994 asked the Deputy Commissioner, Yamunanagar to identify suitable land. The Revenue authorities selected the land, major portition of which was Government land. The identification was conveyed by the Deputy Commissioner to the Director of Industries on 22.03.1994. After considering the proposal of the company, the Commissioner and Secretary to Government of Haryana, Industries Department, vide orders dated 24.06.1994 accepted the proposal and directed the Land Acquisition Collector, Jagadhri to prepare draft notification under Section 4 of the 1894 Act. Vide letter dated 01.07.1994, M/s Horizon Agro Chem Ltd. was informed by the Director of Industries, Haryana that instead of land measuring 180 acres (as originally decided), only 150 acres was required for the acquisition. Therafter, the procedure of acquisition was completed vide notifications dated 09.09.1994 and 28.03.1995 (Annexures P-3 and P-6) issued under Sections 4 and 6 of 1894 Act. The award was announced on 15.05.1995. Along with the written statement, respondents have placed on record communications (Annexure R-1 to R-6) to show that after accepting the compensation as per award, the rerefences of the petitioners were referred to the Additional District Judge, jagadhri, District Yamunanagar and notices of the same were issued to the petitioners for 20.03.1996.

The HSIDC and Haryana Agro Industries Corporation are co-promoters in the project and agreements, in this regard, have already been entered into on 31.03.1995 and 26.04.1995 respectively. Once proposal given by the company was accepted by the Government at the time of issuing letter of intent, the Government was bound to provide the land. Under Section 2 (b) of the Contract Act, 1972, an agreement/promise comes into force when a proposal put forth by one party is accepted by another party. As per this section, the promise may either be express or implied. Thus, by virtue of application of Section 43 of 1894 Act, the Government being bound to prove land, provisions of Sections 39 and 41 are not applicable in this case.

This petition was admitted vide order dated 07.09.1998. While admitting the petition, an interim order was passed that 'construction, if any, raised from now onwards, shall be at the risk of the respondents only.' Vide order dated 27.02.2017, the matter was adjourned to be listed after the decision in SLP (C) No.10742 of 2008 (**Yogesh Neema and others vs. State of M.P. and others**). On 06.09.2021, (in CM-12039-CWP-2021) learned counsel for the petitioners had sought time to file affidavit of the petitioners, who were already party in the main petition.

Thereafter, vide CM No.3975-2022, learned counsel for respondent No.3 placed on record additional affidavit of Sh. Sukhbir Singh, Deputy Manager of M/s Horizon Agro Chem ltd.-respondent No.3 along with documents (Annexures A-1 to A-27), to show the subsequent developments. In para no.5 of the affidavit, it is stated that as per the award passed by respondent No.2, a sum of Rs.74,96,934/- was deposited by respondent No.3 before respondent No.2. This amount was withdrawn by the petitioners as well as other landowners from the office of respondent No.2. True translated/typed extract of 'Form CC' showing the receipts of amount received by the petitioners is attached as Annexure A-1. The landowners/petitioners filed their references under Section 18 of the Act and compensation was enhanced to Rs.1,25,999/- per acre vide Award dated 04.06.1998. The said compensation was further enhanced to Rs.1,35,999/- per acre by this Court vide order dated 23.12.2009. Pursuant to enhancement made by the Civil Court as well as this Court, entire compensation was deposited by respondent No.3 before the executing Court vide letters dated 10.08.2001, 13.10.2001, 13.11.2001, 26.05.2003, 08.11.2005, 03/08.06.2006 and 26.02.2007 (Annexures A-2 to A-8). Copies of the receipts, whereby enhanced compenation has been received by the petitioners as well as other landowners, are attached as Annexures A-9 to A-21. Copies of the chart showing details of total compensation paid to the petitioners and other landowners are annexed as Annexures A-22 and A-23. In para (iv) of the affidavit, details of the properties purchased by the petitioners after accepting the enhanced amount of compensation has been given and sale deeds, in this regard, are annexed as Annexures A-24 to A-27. The other landowners namely, Baldev Singh, Gurmej Singh, Bhupender Singh, Karan Singh sons of Naranjan Singh purchased 43 Kanals 16 Marlas (5 acres) of land in village Taharpur Kalan, Tehsil Jagadhari, District Yamunanagar, value of which, has multiplied manifold.

Another important fact in the present case is that respondent No.3 had purchased the land of Gram Panchayat, Kot Basawa Singh, where this acquisition proceedings were carried out. Later on, the said transfer was cancelled vide order dated 11.07.2014. Against this order, respondent

No.3 approached this Court by filing CWP No.26085-2018, which was dismissed vide order dated 10.10.2018. A perusal of this judgment shows that respondent No.3-company had paid the amount of compensation for acquisition of 62 acres of land and because of pendency of the litigation, it was not able to set up the sugar mill. The pictures produced by respondent No.3 (petitioner therein) showed that some construction had started, which could not be completed.

Even, in this petition, there is nothing to show that respondent No.3 raised further construction. The short question for consideration is, whether 62 acres of land, which has now been acquired by the respondent-State, would be sufficient to set up the project, for which, letter of intent was issued by the Central Government on 25.01.1994 (Annexure P-2).

Respondent No.3-M/s Agro Chem Ltd. had purchased 20 acres of land from Gram Panchayat, Kot Basawa Singh and the said sale deed has already been cancelled. Learned counsel for the petitioners has referred to the judgment passed by Hon'ble the Supreme Court in ***Kedar Nath Yadav vs. State of West Bengal and others,*** Civil Appeal No.8438 of 2016 (arising out of SLP (C) No.8463 of 2008) decided on 31.08.2016. In that case, while setting aside the acquisition proceedings after a gap of 10 years, it was observed that the acquisition was illegal and it was only to favour a private company. The law could not be sacrificed for furthering political agenda. In para 56 to 59, it was observed as under:-

> "56. Even if the argument advanced on behalf of TML were to be accepted, that it was the policy of the state government to generate employment and increase socio economic development in the State, the relevant policy documents are not forthcoming in the original acquisition files which were made available for this Court. Thus, by no stretch of imagination can the acquisition of lands in the instant case be said to be

at the instance of WBIDC, or for the fulfilment of some scheme of the Corporation or the State Government. Thus, it cannot be said to attract Section 3(f)(iii), (iv) or (vi) either. On the contrary, what is on record is the minutes of meetings between the representatives of the West Bengal Government and TML dated 17.03.2006, which state that TML is interested in setting up a 'special category project' in the State to manufacture 2,50,000 units for its 'Small Car Project'. As per the project requirement mentioned in the letter written by Deputy General Manager TML to the Principal Secretary, Commerce & Industries Department, Government of West Bengal dated 19.01.2006, 400 acres of land were required for setting up of the factory, 200 acres for vendor park and 100 acres for township. The said letter was forwarded by the Commerce and Industries Department to the Principal Secretary, Land and Land Reforms Department on 24.01.2006 and the Finance Secretary for their consideration and seeking their views in this regard. It is undisputed fact that the State Government has not deposited the public money towards the cost of acquisition of land to initiate the acquisition proceedings to show that the acquisition of lands is for public purpose which is an essential requirement under the provision of Section 6 of the L.A. Act. As can be seen, the notification issued under Section 6 of the L.A. Act merely provides that the land is needed for the setting up of the Tata Small Car project, which is a public purpose under the L.A. Act. In the case of Usha Stud and Agricultural Farms Pvt. Ltd. v. State of Haryana & Ors., 2013 (2) RCR (Civil) 788, a three judge bench of this Court, after adverting to a catena of case law on the subject held as under:

> "The ratio of the aforesaid judgments is that Section 5-A(2), which represents statutory embodiment of the rule of audi alteram partem, gives an opportunity to the objector to make an endeavour to convince the Collector that his land is not required for the public purpose specified in the notification issued under Section 4(1) or that there are other valid reasons for not acquiring the same. That section also makes it obligatory for the Collector to submit report(s) to the appropriate Government containing his recommendations on the objections, together with the record of the proceedings held by him so that the Government may take appropriate decision on the objections. Section 6(1) provides that if the appropriate Government is satisfied, after considering the report, if any, made by the Collector under Section 5-A that particular land is needed for the specified public purpose then a declaration should be made. This

> necessarily implies that the State Government is required to apply mind to the report of the Collector and take final decision on the objections filed by the landowners and other interested persons. Then and then only, a declaration can be made under Section 6(1)."
>
> (emphasis laid by this Court)

Thus, there seems to be no application of mind either at the stage of issuance of the notification under Section 4 of the L.A. Act, or the report of Collector under Section 5-A (2) of the L.A. Act or the issuance of the final notification under Section 6 of the L.A. Act. Such an acquisition, if allowed to sustain, would lead to the attempt to justify any and every acquisition of land of the most vulnerable sections of the society in the name of 'public purpose' to promote socio-economic development.

57. On the other hand, it is the Corporation which has raised the cost of acquisition by way of taking loan from nationalized banks and the same is said to have been deposited with the State Government. As has rightly been contended by Mr. Kalyan Banerjee, learned senior counsel by placing reliance on various decisions of this Court, which have been adverted to supra, WBIDC cannot even be said to be a local authority for the purpose of the L.A. Act and therefore the deposit of money towards acquisition cost does not satisfy the statutory requirement under Section 6 of the Act. Thus, the contention advanced by the learned senior counsel appearing on behalf of TML that the acquisition in the instant case is one for public purpose as the funds for same have come from public revenue, also cannot be accepted. Thus, neither there is a scheme of the Government, nor the funds have been derived from the public revenue and that is why the acquisition in the instant case cannot be said to be one for 'public purpose'.

58. The contention advanced by the learned senior counsel appearing on behalf of TML that this Court has consistently taken the view that acquisition in favour of a statutory corporation or development authority for land development including industrial development, makes the acquisition of lands one for 'public purpose', as defined under Section 3(f) (iv) or (vii) of the L.A. Act and there is no need to follow the procedure for acquisition as laid down in Part VII of the L.A. Act, cannot be accepted by me. After the passing of the Land Acquisition Amendment Act, 1984, acquisition of land for a company is no longer covered under 'public purpose' in view of Section 3(f)(viii) of the L.A. Act. Apart from the above statutory provisions inserted by way of an amendment the Objects and Reasons for such amendment referred to

supra upon which strong reliance has been placed by Mr. Colin Gonsalves and Mr. Rakesh Dwivedi, learned senior counsel on behalf of the owners and State would make it abundantly clear that the mandatory procedure as laid down under Part VII of the L.A. Act read with the rules framed there under was not followed by the State Government before the notifications were published.

59. From a perusal of both the statutory provisions of the L.A. Act as well as the case law on the subject referred to supra upon which strong reliance has been rightly placed by the learned senior counsel on behalf of the owners/cultivators and State Government, it becomes clear that the state government can acquire land under the public purpose clauses (iv) and (vii) of the Act for industrial estates, housing colonies and economic parks/zones even where the type of industry has been identified. So, an acquisition made for an industrial estate of a particular type of industry like small cars is permissible under the 'public purpose' for the purpose of the L.A. Act under the above clauses of Section 3 (f) of the Act. Before land could be acquired, the procedure consistent with the statutory provisions of law must be followed mandatorily. There is nothing in law which would support the acquisition of land for a particular Company under the guise of 'public purpose', rendering the exception provided under Section 3(f)(viii) of the L.A. Act useless and nugatory."

Learnd counsel for the petitioners has further referred to the judgment passed by Hon'ble the Supreme Court in ***Shyam Behari and others vs. State of M.P. and others,*** Civil Appeal No.177 of 1962 (decided on 03.02.1964), wherein it was held that in case, the land is to be acquired for a company, then such notification must state that the land is needed for the company. Notification declaring that the land was needed for public purpose was held to be invalid in view of Section 6 (1) of 1894 Act. In ***Devinder Singh & others vs. State of Punjab & others,*** Civil Appeal No.4844 of 2007 (arising out of SLP (Civil) No.10182 of 206), decided on 12.10.2007, Hon'ble the Supreme Court held that agricultural land of good quality should not be acquired for a company and State should try to acquire barren waste land for this purpose. In ***Amita Banta and another vs. State of***

Haryana and others, CWP No.5878 of 2003 (decided on 08.12.2009), the State Government had proceeded to acquire land for development of residential and commercial sector. The said land was released from acquisition by framing a policy under Section 48 of 1894 Act and given to private builders/colonizers/developers. While quashing the notification, it was held that the act of the State benefiting private individuals was contrary to notified public purpose. Further reference has been made to another judgment passed by Hon'ble Supreme Court in ***Competent Authority vs. Barangore Jute Factory & Ors.,*** Civil Appeal No.7015 of 2005 (arising out of SLP (C) No.16820 of 2004), decided on 23.11.2005.

On the other hand, learned State counsel has referred to the judgment dated 06.11.1995 passed by Hon'ble the Supreme Court in ***State of Haryana vs. Dewan Singh,*** Civil Appeal No.10446 of 1995 (arising out of SLP (C) No.14964 of 1985), where the landowners had received the compensation under protest, but did not disclose the fact that they had challenged the acquisition after one year of making of the award. It was held that the High Court was not justified in quashing the acquisition proceedings. Learned State counsel argued that in the present case also, the petitioners did not disclose that they have received the compensation and non disclosure itself is a ground to upheld the acquisition proceedings. He has referred to another judgment passed by Hon'ble the Supreme Court in ***M/s Star Wire (India) Ltd. vs. The State of Haryana and others,*** SLP (C) No.20489 of 1996 (decided on 25.09.1996), wherein it was held that if, the acquisition proceedings are/were challenged after passing of the award, the writ was not maintainable on the ground of delay and latches. In ***Swaika Properties Pvt. Ltd. & another vs. State of Rajasthan & others,*** Civil

Appeal No.1081 of 2008 (arising out of Slp (C) No.16910 of 2006), decided on 07.02.2008, Hon'ble the Supreme Court had dismissed an appeal on the grund that possession of land in question had been taken by the respondent and handed over to Jaipur Development Authority. The writ petition having been filed after taking over the possession and passing of the award, deserved to be dismissed on the ground of delay and latches.

Learned counsel for respondent No.3 has referred to the judgments passed in ***Municipal Council, Ahmednagar and another vs. Shah Hyder Beig and others,*** Civil Appeal No.7088 of 1999 (arising out of SLP (C) No. 19507 of 1998), decided on 08.12.1999 and ***C. Panda and others vs. The Deputy Secretary of the Government of Tamil Nadu and others,*** Civil Appeal No.15526 of 1996 (decided on 22.11.1996) on the proposition that no writ can be filed challenging the acquisition proceedings after the award has been passed. In case, the acquisition proceedings have attained finality and compensation has been paid to the landowners, the land vests in the State. Public purpose can be substituted by another public purpose after the land stands vested in the Government. Such a question cannot be raised after 32 years of vesting the land in the Government.

In the present case, notice of motion was issued on 17.05.1995 and *status quo* with regard to possession was ordered to be maintained. Hence, on account of this interim order, the purpose of acquisition could not be carried out by respondent No.3, which was to set up a sugar mill. Thereafter, this petition was admitted on 07.09.1998. As per the judgment passed by Hon'ble the Supreme Court in ***Indore Development Authority vs. Manoharlal and others,*** AIR 2020 SC 1496, once the award has been passed and *rapat roznamcha* is entered, ownership of land vests with the

Government and the provisions of Section 24 (2) of 1894 Act would attract only if, the compensation is/was not deposited within one year of passing of the award.

In the facts of the present case, as per the award passed by respondent No.2, Rs.74,96,934/- were deposited by respondent No.3 before respondent No.2. This amount had already been withdrawn by the petitioners as well as other landowners, from the office of respondent No.2. This fact is evident from 'Form C' (Annexure A-1). Thereafter, references under Section 18 of 1984 Act were filed by the landowners/petitioners and vide award dated 04.06.1998, compensation was enhanced to Rs.1,25,999/- per acre. Vide order dated 23.12.2009 passed by this Court, the compensation was further enhanced to Rs.1,35,999/- per acre. Vide letters (Annexures A-2 to A-8), the entire compensation was deposited by respondent No.3 before the executing Court. Even enhanced compensation has been received by the petitioners and other landowners vide receipts (Annexures A-9 to A-21). Respondent No.3 has further placed on record copies of sale deeds (Annexures A-24 to A-27) with regard to the properties purchased by the petitioners after accepting the enhanced compensation. The compensation was assessed keeping in view the rates prevalent at that time and even the enhancement has been done. After receiving the enhanced compensation, the petitioners have purchased the properties and utilized the said amount.

In the facts of the present case, respondent No.3 could not set up the sugar mill on account of the pendency of this petition. The letter of intent had already been issued by the Central Government on 25.01.1994 (Annexure P-2). After getting this letter and passing of the award, amount of Rs.74,96,934/- was deposited by respondent No.3 with respondent No.2. Even, enhanced compensation has already been paid by respondent No.3. For all intents and purposes, as per the judgment passed in ***Indore Development Authority's*** case (supra), the acquisiton proceedings have attained finality. Respondent No.3 was restrained from raising construction on the land in question on account of the interim order passed by this Court. However, during the pendency of this petition, award was passed and the petitioners have taken the compensation/enhanced compensation. The letter of intent dated 25.01.1994 (Annexure P-2) was valid for three years and at the time of issuance of notice of motion by this Court on 17.05.1995, *status quo* with respect to possession was ordered to be maintained. Respondent No.3 has already paid the entire compensation and has also given details of the properties purchased by the petitioners after receiving the enhanced compensation, as per copies of sale deeds (Annexures A-24 to A-27). At this stage, the acquisition proceedings cannot be quashed on the ground that no construction has been raised on the land in question. Another point for consideration is that even if, the notification dated 09.09.1994 (Annexure P-3) was issued for acquiring the land for a public purpose, namely for setting up a Sugar Complex consisting of Sugar Mills, Bagasse Storage yard, Bagasse based particle Board Mills and Sugar Cane Seed Development Farm in Tehsil Chachhrauli, District Yamuna Nagar. In this notification, it is not mentioned that it was being done for a private company i.e. respondent No.3. The only purpose was to set up industrial unit i.e. Sugar Complex. In this backdrop, the judgment referred by learned counsel for the petitioners in case ***Shyam Behari's*** case (supra), will not be of any help to the petitioners. In the notification dated 09.09.1994

(Annexure P-3), public purpose for setting up of Sugar Complex had been clearly mentioned. In this notification, it was nowhere mentioned that the land was being acquired for a private company i.e. respondent No.3. Case of the petitioners has to be considered in view of the judgment passed in ***Dewan Singh's*** case (supra), where the landowners had received the compensation under protest, but did not disclose the fact that they had challenged the acquisition after one year of passing of the award.

In the present case, the challenge is only to the notifications dated 09.09.1994 and 28.03.1995 (Annexures P-3 and P-6) issued under Sections 4 and 6 of 1894 Act. There is no challenge to the award, which was passed during the pendency of this petition. After passing of the award and disbursement of compensation, the acquisition proceedings have attained finality as per the judgment passed in ***Indore Development Authority's*** case (supra).

In view of the above discussion, no ground for quashing of the impugned notifications is made out.

No merits. Dismissed.

(RITU BAHRI)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

21.10.2022
ajp

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