

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

CWP-11391-2019 (O&M)
Date of decision: 25.07.2022

Anil Kumar Goyal

...Petitioner

Vs.

State of Haryana and another

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr. Prateek Gupta, Advocate,
for the petitioner.

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

Ritu Bahri, J. (Oral)

Petitioner is seeking direction to the respondents to release his land, bearing Khasra Nos. 504/2 (1-1), 501/2 (1-7), 502/1 (1-4), situated in village Nizampur, District Panipat, measuring 3 bighas 12 biswas, from the acquisition proceedings, which were initiated vide notifications dated 02.03.1993 and 01.03.1994 (Annexures P-2 and P-3) issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short '1894 Act').

The petitioner has placed on record revenue record in the form of Khasra Girdawari and Jamabandi for the year 2014-2015 (Annexure P-4) reflecting his possession over the land in question. The land had been acquired for the purpose of public purpose i.e. for development and utilization as Residential, Commercial and Institutional Area for Sector 18, Panipat as per site plan (Annexure P-1). The petitioner is claiming parity of release of land keeping in view the judgment dated 19.12.2016 passed by this Court in **M/s National Woolen & Finishers vs. State of Haryana and**

others, CWP No.16278 of 2016 (Annexure P-5).

Upon notice, a short reply dated 19.12.2019 has been filed by the Land Acquisition Collector, Urban Estate, Rohtak, on behalf of respondent No.1, wherein it is stated that after issuance of the notifications dated 02.03.1993 and 01.03.1994 (Annexures P-2 and P-3), objections under Section 5-A of 1894 Act were filed by the landowners. Consequently, the State Government notified land measuring 386.44 acres vide declaration dated 01.03.1994. Thereafter, the award was passed on 28.02.1996 and possession of the land was handed over to the Estate Office, HUDA. In this regard, *Sazra* plan has been placed on record as Annexure R-1. It is further stated that out of the total compensation of Rs.19,29,23,257/-, amount of Rs.18,41,89,440/- had already been disbursed to the landowners, which constitutes 95.47% of the award amount. The balance amount of Rs.87,33,817/- is lying deposited in the account of Land Acquisition Collector. The enhanced compensation at the rate of Rs.206/- per square yard has also been disbursed by the Land Acquisition Collector to 95.47% landowners, who had approached the Court. The awarded amount of Rs.1,86,586/- had been received and accepted by the petitioner vide cheque No.1578737 dated 17.04.1996. Possession of the acquired land of the petitioner was handed over to the Estate Officer, HSVP, Panipat vide Rapat No.209 dated 28.02.1996. Subsequently, plots were floated (applications were invited from the general public to allot plots through draw of lots) by HUDA on 06.01.1998. HUDA had carved 2804 residential plots, out of which, 2558 plots already stand allotted. Out of the allotted plots, approximately 600 houses have already been constructed and 300 houses have been occupied. The petitioner has received compensation of

Rs.1,86,586/- vide cheque No.1578737 dated 17.04.1996 without objection.

It is further stated that provision of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short '2013 Act') does not operate in respect of individual landowners or part of the land forming part of an award because the provision relates to land acquisition “proceedings” in respect of an “award”. As per proviso to sub section (2) of Section 24, where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the accounts of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under Section 4 of 1894 Act shall be entitled to compensation in accordance with the provisions of this Act.

In the facts of the present case, 95.47% of the compensation was disbursed to the landowners after the award was passed on 28.02.1996. Vide cheque No.1578737 dated 17.04.1996, the petitioner had also received the compensation. Hence, he cannot claim release of land under Section 24 (2) of 2013 Act, as the award was made in the year 1996 and compensation has already been received by him. Moreover, the development plan has already been carried out. As per reply filed by the Land Acquisition Collector, total 2804 residential plots were carved out by the HUDA, out of which, 2558 plots have already been allotted. Approximately 600 houses have been constructed and 300 houses have been occupied. In the reply, it is further clarified that against the judgment dated 19.12.2016 passed by this Court in CWP No.16278 of 2016 (Annexure P-5), the State has filed SLP (C)No.32103 of 2017, wherein Hon'ble the Supreme Court has stayed the matter vide order dated 13.08.2018. It is further stated that in that case, M/s

National Woolen Mills had not accepted the compensation, whereas in the present case, the petitioner had already received the compensation.

Another fact, which requires consideration is that as per jamabandi for the year 2014-2015 (Annexure P-4), the petitioner-Anil Kumar is shown to be the subsequent vendor. The petitioner is claiming to be in possession over the land. On the other hand, he has received the compensation. He is claiming parity for release of land as per judgment dated 19.12.2016 passed by this Court in CWP No.16278 of 2016 (Annexure P-5), operation of which, has already been stayed by Hon'ble the Supreme Court.

After going through the reply filed by the Land Acquisition Collector, Urban Estate, Rohtak, no case for release of land, is prayed for, is made out, as after passing of the award on 28.02.1996, the compensation has already been received by the petitioner. Possession of the acquired land of the petitioner was handed over to the Estate Officer, HSVP, Panipat, vide Rapat No.209 dated 28.02.1996. Now, the land stands vested in the State. Moreover, development, as per *Sizra* Plan (Annexure R-1) has already commenced. Hence, the petitioner cannot seek release of land from acquisition.

Resultantly, finding no merits, present petition is dismissed.

(RITU BAHRI)
JUDGE

(ARCHANA PURI)
JUDGE

25.07.2022
ajp

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