

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.W.P. No. 14776 of 2019
Date of decision : 03.02.2022

Umesh Aggarwal and another ...Petitioners

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present:- Mr. Vikram Singh, Advocate,
for the petitioners.

Mr. Ankur Mittal, Addl. Advocate General, Haryana with
Mr. Saurabh Mago, Assistant Advocate General Haryana.

(The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual Court).

RAVI SHANKER JHA, C.J. (ORAL)

1. The present writ petition has been filed by the petitioners by making two fold prayer; firstly, to quash the order dated 06.07.2018 and the notifications vide which the land of the petitioners was acquired and secondly, prayer has been made to declare the acquisition proceedings to have been lapsed under Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the Act of 2013') on the ground that though the petitioners have received the compensation, however, the possession of the land has not been taken by the State till date and that the petitioners are ready to deposit the compensation back with the office of Land Acquisition Collector.

2. The petitioners have sought the aforesaid relief with respect to the land measuring 1 kanal 9 marla comprised in Khasra No. 32//1/1/2, 10/1,

10/3 situated in Village Macchgarh, District Faridabad whereupon the petitioners are stated to have constructed boundary wall and temple. The land in question was acquired by the State of Haryana through Department of Industries vide notifications dated 31.07.2006 and 09.08.2007 issued under Section 4 and Section 6 of the Land Acquisition Act, 1894 respectively followed by Award dated 29.07.2008 for the public purpose, namely for setting up of Industrial Model Township, Faridabad. As per the petitioners they have already received the compensation amount for the land in question and are even ready to deposit back with the State, however, they have contended that the State has failed to take the possession of the land in question and thus, they are entitled to seek declaration to the effect that the acquisition proceedings qua the land in question have lapsed in view of Section 24 (2) of the Act of 2013. It is the case of the petitioners that they approached this Court seeking similar relief by filing writ petition bearing CWP No. 23763 of 2016 which was in fact allowed by this Court vide order dated 30.11.2016. Thereafter, the petitioners were asked to deposit a sum of Rs. 2,29,865/- for land measuring 13.18 square yard vide letter dated 06.07.2018 and the grievance of the petitioners is that the respondent authority instead of releasing the land of the petitioners measuring 665 square yards has released the land measuring 13.18 square yards only. Therefore, the petitioners have once again filed writ petition seeking release of 1 kanal 9 marla land in view of Section 24 (2) of the Act of 2013.

3. Suffice to mention that the petitioners in order to support their contention that they are owners of 665 square yards have not appended

any revenue record with writ petition and surprisingly, have sought same relief which apparently has been granted to the petitioners earlier.

4. Mr. Ankur Mittal, learned counsel for the contesting respondent No. 3, namely i.e. Haryana State Infrastructure Development Corporation Limited, at the time of hearing of the instant petition pointed out that the order passed by this Court in CWP No. 23763 of 2016 has already been stayed by the Supreme Court vide order dated 30.09.2019 passed in SLP (C) No. 5275 of 2020 (diary No. 34115 of 2019) and a direction was issued by the Supreme Court to list the matter after the decision of the Constitution Bench in ***Indore Development Authority and others Vs. Manohar Lal and others*** SLP (C) 9036-9038 of 2016. Further, a strong objection is taken as to the maintainability of the present writ petition on the same cause of action when the matter itself is pending before the Supreme Court. Learned counsel appearing on behalf of respondent No.3 has further disputed the averments made by the petitioners with respect to the physical possession of the land being with the petitioners by asserting that possession of the land in question was taken vide Rapat No. 742 dated 07.08.2008 and as stated that it is the admitted case of the petitioners that they have received the enhanced compensation amount Awarded by the Reference Court. In view thereof, by placing reliance on ***Indore Development Authority v. Manoharlal and others AIR 2020 SC 1496***, he submits that none of the contingencies mentioned in Section 24 (2) of the Act of 2013 is fulfilled and thus, no declaration for lapsing of acquisition proceedings could have been made. He has further apprised this Court that petitioner No. 2 has also been allotted a 3 marla plot

bearing plot No. 316 in Sector – 67, IMT Faridabad vide letter dated 21.07.2006 under R&R policy and thus, the acquisition proceedings qua the land in question stands completed for all intents and purposes.

5. We have heard counsels for both the parties, though we find merit in the contentions of the Ld. Counsel appearing for HSIIDC, yet we are refraining ourselves from giving any finding on the merits of the case at hand in view of the fact that matter as regards same land in question is pending before the Hon’ble Supreme Court of India. Hence, present writ petition is hereby dismissed. Having dismissed the main writ petition, all pending applications, if any also meet the same fate. The writ petition is dismissed. Status quo if any stands vacated.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

February 03, 2022
ndj

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