

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

**CWP No.17514 of 2016  
Date of decision: 05.07.2022**

**Kali Ram and others**

**.....Petitioners**

**Versus**

**State of Haryana and others**

**.....Respondents**

**CORAM:HON'BLE MS. JUSTICE RITU BAHRI  
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Deepak Achint, Advocate,  
for the petitioners.

Mr. Ankur Mittal, Addl. A.G., Haryana.

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**Ritu Bahri, J.**

Vide order dated 14.03.2022 passed by Hon'ble the Supreme Court in Civil Appeal No.2002 of 2022 (arising out of SLP (C) No.4757 of 2022), the present petition has been remanded to this Court for reconsideration and deciding the same afresh on merits.

Earlier, while deciding this case (CWP-17514-2016) vide order dated 05.12.2017, this Court had declared the acquisition proceedings, qua the land in question, as lapsed in terms of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the 2013 Act').

In the present case, notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short 'the 1894 Act') were issued on 16.12.1988 and 14.12.1989 respectively. Award was announced by the Land Acquisition Collector on 03.07.1992.

Grievance of the petitioners is that no compensation has/had been

paid to them, even though a period of 28 years has lapsed. Vide order dated 05.12.2017, this Court had allowed the writ petition in terms of Section 24 (2) of the 2013 Act, which provides that the acquisition of land would lapse in cases, where the award had been announced by the Collector five years prior to the enactment of the 2013 Act i.e. 01.01.2014, in case either the compensation for the acquired land had not been paid or the possession thereof had not been taken. While deciding the petition, it was observed that compensation, in this case, had not been paid to the petitioners and they were still in possession of the constructed portion.

Heard, learned counsel for the parties.

As per the affidavit dated 03.12.2017, placed on record by the Land Acquisition Collector, Urban Estate, Gurugram, notification under Section 4 of the 1894 Act for acquiring 617.84 acres of land (including the land in question), situated in the revenue estate of villages Khandsa, Kadipur and Naharpur Rupa, Tehsil & District, Gurugram, was issued on 16.12.1988. After due consideration, notification under Section 6 for acquiring the land measuring 461.50 acres, was declared on 14.12.1989. Consequently, award in respect of land measuring 37.26 acres was announced on 03.07.1992 for public purpose, namely, for the development and utilization of land as Industrial Area in Sector, 37, Gurugram. It is further stated that compensation of Rs.84,32,646/- was deposited in favour of LAC, Gurugram, out of which, Rs.78,65,293.52 (93% approximately) have been taken by the landowners and the balance amount of Rs.5,67,352.93 was pending in the account of LAC. It is further stated that compensation in respect of the land in question has been paid to the petitioners and their father had received Rs.8,50,854.40, except the

compensation qua Khasra Nos.207 and 212.

Respondents have placed on record details with regard to the present acquisition, as Annexure R-1. At serial No.17 of the same, Rapat Roznamcha i.e. Award Rapat No.1341 had been entered on 03.07.1992. Possession was taken over by the HUDA vide Rapat No.1341 dated 03.07.1992. At serial No.19, it is mentioned that 12 x 12 Rooms 'C' category was existing on the land, where petitioners had made 'C' class construction. With respect to the residential house, possession is with the Executive Engineer, HUDA as per assessment letter No.9041 dated 03.12.2007. Compensation taken by the petitioners and their father is reflected at serial No.16. It has been further clarified that compensation of Khasra No.207 and 212 has not been taken.

In the present case, award was passed way back in 1992 and the petitioners have challenged the acquisition proceedings, by filing the present petition, on 24.08.2016 i.e. after a gap of 24 years. As far as provisions of Section 24 (2) of the 2013 Act are concerned, reference can now be made to the latest judgment passed by the Constitution Bench of Hon'ble the Supreme Court in **Indore Development Authority vs. Manoharlal & others**, (2020) 8 SCC 129, wherein it has been observed that once possession has been taken by the Government and Rapat Roznamcha has been entered, the land vests with the State. In that eventuality, the acquisition would not lapse.

In the present case, since possession has been taken over by the HUDA and compensation, except qua Khasra Nos. 207 and 212, has been taken by the petitioners or their father, as reflected in Annexure R-1, the acquisition proceedings are not lapsed. The petitioner could have raised

their plea regarding release of their constructed portion of land at the time when the award was passed way back in the year 1992. They cannot challenge the acquisition proceedings after the delay of almost 24 years. Moreover, after accepting the compensation, the land vests in the State as per the judgment passed in **Indore Development Authority's** case (supra).

Resultantly, finding no merits, the present petition is dismissed.

(RITU BAHRI)  
JUDGE

(MEENAKSHI I. MEHTA)  
JUDGE

05.07.2022  
ajp

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