

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 24547 of 2016(O&M)

Reserved on: 16.05.2022

Date of pronouncement: 29.07.2022

Onkar Singh and others

...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. Harsh Aggarwal, Advocate, for the Petitioners.
Mr. Ankur Mittal, Addl. Advocate General, Haryana with
Mr. Saurabh Mago, Assistant Advocate General Haryana and
Ms. Kushaldeep K. Manchanda, Advocate, for the respondent(s).

RAVI SHANKER JHA, C.J.

1. The instant petition has been filed claiming that the acquisition proceedings carried out vide the notifications issued under Sections 4 & 6 of the Land Acquisition Act, 1894 dated 02.05.2001 and 30.04.2002 respectively; followed by the award dated 27.04.2004, thereby acquiring the land for a public purpose, namely, for development and utilization of land as residential and commercial area for Sector 15, Jagadhari; qua the land of the petitioners; has lapsed in view of the provisions of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013. Further, challenge has been made to the speaking order dated 10.11.2016 passed by respondent no. 2 thereby rejecting the claim of the petitioners under Section 24(2) of Act of 2013.

2. Owing to the controversy erupted as regards the interpretation of the provision of Section 24 (2) of the Act of 2013, like many other writ petitions, the proceedings in the instant petition were kept in abeyance awaiting the decision of the Hon'ble Supreme Court of India. The controversy was finally put at rest by the Constitution Bench of the Hon'ble Supreme Court in ***Indore Development Authority Vs. Manohar Lal and others AIR 2020 SC 1496*** whose penultimate paragraph is reproduced herein below:-

'...1. Under the provisions of Section 24(1)(a) in case the award is not made as on 1.1.2014 the date of commencement of Act of 2013, there is no lapse of proceedings. Compensation has to be determined under the provisions of Act of 2013.

2. In case the award has been passed within the window period of five years excluding the period covered by an interim order of the court, then proceedings shall continue as provided under Section 24(1)(b) of the Act of 2013 under the Act of 1894 as if it has not been repealed.

3. The word 'or' used in Section 24(2) between possession and compensation has to be read as 'nor' or as 'and'. The deemed lapse of land acquisition proceedings under Section 24(2) of the Act of 2013 takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse.

4. The expression 'paid' in the main part of Section 24(2) of the Act of 2013 does not include a deposit of compensation in court. The consequence of non-deposit is provided in proviso to Section 24(2) in case it has not been deposited with respect to majority of land holdings then all beneficiaries (landowners) as on the date of notification for land acquisition under Section 4 of the Act of 1894 shall be entitled to compensation in accordance with the provisions of the Act of 2013. In case the obligation under Section 31 of the Land Acquisition Act of 1894 has not been fulfilled, interest under Section 34 of the said Act can be granted. Non-deposit of compensation (in court) does not result in the lapse of land acquisition proceedings. In case of non-deposit with respect to the majority of holdings for five years or more, compensation under the Act of 2013 has to be paid to the "landowners" as on the date

of notification for land acquisition under Section 4 of the Act of 1894.

5. *In case a person has been tendered the compensation as provided under Section 31(1) of the Act of 1894, it is not open to him to claim that acquisition has lapsed under Section 24(2) due to non-payment or non-deposit of compensation in court. The obligation to pay is complete by tendering the amount under Section 31(1). Land owners who had refused to accept compensation or who sought reference for higher compensation, cannot claim that the acquisition proceedings had lapsed under Section 24(2) of the Act of 2013.*

6. *The proviso to Section 24(2) of the Act of 2013 is to be treated as part of Section 24(2) not part of Section 24(1)(b).*

7. *The mode of taking possession under the Act of 1894 and as contemplated under Section 24(2) is by drawing of inquest report/ memorandum. Once award has been passed on taking possession under Section 16 of the Act of 1894, the land vests in State there is no divesting provided under Section 24(2) of the Act of 2013, as once possession has been taken there is no lapse under Section 24(2).*

8. *The provisions of Section 24(2) providing for a deemed lapse of proceedings are applicable in case authorities have failed due to their inaction to take possession and pay compensation for five years or more before the Act of 2013 came into force, in a proceeding for land acquisition pending with concerned authority as on 1.1.2014. The period of subsistence of interim orders passed by court has to be excluded in the computation of five years.*

9. *Section 24(2) of the Act of 2013 does not give rise to new cause of action to question the legality of concluded proceedings of land acquisition. Section 24 applies to a proceeding pending on the date of enforcement of the Act of 2013, i.e., 1.1.2014. It does not revive stale and time-barred claims and does not reopen concluded proceedings nor allow landowners to question the legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in the treasury instead of court to invalidate acquisition'*

3. The sum and substance of the interpretation of Section 24 (2) of the Act of 2013 by the Hon'ble Supreme Court of India is that the first and foremost condition to seek lapsing is: both the contingencies provided i.e. about the physical possession and the payment of compensation are to be fulfilled, meaning thereby, if either of the conditions is not satisfied, there would no lapsing. As far as the obligation to make the payment in lieu of the land acquired

is concerned, it has been clarified that such obligation to pay is complete by tendering the compensation which would mean that the compensation amount was made available to the land owner and if he has not accepted the same, it will not be available for the land owner to claim that the compensation has not been paid. Similarly, word “deposit” has been interpreted to mean depositing with the LAC or the treasury or the reference court. Drawing of panchnama has been considered to be a valid proof of taking physical possession and once the land stands vested in the State, there is no divesting provided under Section 24 (2) of the Act of 2013. The Hon’ble Supreme Court of India has further clarified that the period for which any interim order was in operation, will be excluded while computing the gap period of five years. Similarly, it has been clarified that Section 24 (2) of the Act of 2013 does not give rise to new cause of action to question legality of concluded proceedings of land acquisition as it applies to only those cases wherein the proceedings were pending on the date of enforcement of Act of 2013.

4. As per the case put forth by the petitioners, petitioners no. 1 to 3 are owners of the land comprised in Khasra no. 610/3 (1-0), 506 (2-3), 507 (6-0), 508 (2-6), 509/1 (2-0), 510 (2-10), 511 (1-19), 513 (1-16), 518/ 2 (1-3) and 521 (0-5), situated within the revenue estate of Village Tejli, Tehsil Jagadhari, District Yamuna Nagar. Petitioners no. 4 to 9 are owners of land comprised in Khasra no. 528 min (1-4), 529 (4-0), 530 (4-0), 531 (4-0), 532 (0-14), 533 min (1-2), 534 (4-0), 535 (1-0) and 537 (3-0), situated within the revenue estate of Village Tejli, Tehsil Jagadhari, District Yamuna Nagar. The said land was acquired by the Government of Haryana by issuing notifications dated 02.05.2001 and 30.04.2002, under Section, 4 & 6 of the Acquisition Act, 1894

followed by award dated 27.04.2004 for the public purpose, namely, for development and utilization of land as Residential and Commercial Area for Sector 15 Jagadhari. As pleaded by the petitioners, the State of Haryana has been making efforts for acquiring the land since 1969 when the first time notification was issued to acquire the land for Sector 15. The said notification was allowed to lapse and then notification was issued in the year 1974, which was again allowed to lapse. Once again notification was issued in the year 1980 which was also allowed to lapse.

5. Another attempt was made to acquire the land vide notification dated 24.04.1987, issued under section 4 of Act of 1894. The said notification came to be challenged before this Court by certain land owners in CWP no. 3269 of 1990 and other connected petitions. The said petitions were allowed vide judgment dated 29.09.1992. Suffice to mention that the parcels of land qua which there was no challenge was developed as Sector 15 Part-I. It was thereafter that vide impugned notifications, once again the land was acquired by the State of Haryana for development of Sector 15 Jagadhari. Out of all the petitioners, only the father of petitioner no. 4 had filed objections under section 5-A of Act of 1894 and thereafter also challenged the notifications by filing CWP No. 12012 of 2002, which was partly allowed as regards the constructed portion and for rest of the land, it was dismissed vide order dated 12.01.2011 by this court.

6. It is the case of the petitioners that despite having announced the award on 27.04.2002, the respondents have failed to take the possession of the land in question and even the amount of compensation has also not been paid or deposited in the Reference Court. They have further pleaded that in fact vide

order dated 23.05.2014, the acquisition proceedings qua the major part of acquisition for the land situated in Sector 15 Jagadhari has been quashed by this Court in CWP No. 7090 of 2002, while deciding 16 petitions arising out of same acquisition proceedings. Therefore, in wake of the aforesaid circumstances, acquisition proceedings qua the land in question stands lapsed in view of Section 24(2) of the Act of 2013. It is also the contention of the petitioners that the land in question has not been utilized for the public purpose for which it was acquired till date.

7. The petitioners have also moved an application bearing CM No. 3738-CWP of 2022 i.e. after 6 years of the pendency of the writ petition, for placing on record additional facts to show that the plot of the petitioner is an isolated plot as the land surrounding the land of the petitioners has either been released by the government or the acquisition proceedings have been quashed by this Court. As a consequence of the aforesaid, the land cannot be planned and developed on account of having no access to sector 15 for which the land has been sought to be acquired. In order to demonstrate the same, the layout plan of sector has been annexed and prayer has been made to quash the acquisition proceedings.

8. Per contra Mr. Ankur Mittal, learned counsel appearing for the respondent State submitted that the instant petition deserves to be dismissed in view of the laws laid down by the Hon'ble Supreme Court in the case of ***Indore Development Authority*** (supra) as none of the contingencies prescribed in Section 24(2) of the Act of 2013 are fulfilled. The first requirement for claiming lapsing of acquisition proceedings is to prove that the land owner is in possession of the land in question, which the petitioners have failed to prove as

the possession of the land in question was taken by the State by recording Rapat Roznamcha No. 1346 dated 27.04.2004, which has been held as a valid mode of taking possession. Once such possession is taken, the land vests absolutely in the State and whosoever retains or remains in the possession of the land, he is a trespasser. He further submits that the obligation of the State to pay the compensation stands duly discharged as the entire compensation amount was tendered at the time of announcement of award and was made available to the landowners and the landowners are at liberty to receive the same. Thus, in view of the law laid down by the Hon'ble Supreme Court in the case of ***Indore Development Authority*** (supra) he prayed for dismissal of the instant writ petition.

9. He further submits that as far as the contention of the petitioners with respect to issuance of successive notifications is concerned, the same is covered with the judgment of the Hon'ble Supreme Court of India in the case of ***State of Haryana v. Eros City Developers Pvt. Ltd and others, 2016 (1) RCR (Civil) 904*** and also by judgment of Full Bench of this Court in ***Ghansham Dass Goyal and others v. State of Haryana and another, AIR 1986 Punjab 207***. As regards the plea with respect to release of land surrounding the land of the petitioners, he submits that the petitioners are precluded from raising such plea as the petitioners, except father of petitioner no. 4, never challenged the acquisition proceedings until 2016 when the only relief they claimed was that acquisition proceedings have lapsed under section 24(2) of Act of 2013. It is not after 6 years that they have moved an application for placing additional facts, suffice to mention without amending the prayer in the writ petition. As a result, thereof, the pleas being taken by the petitioners are hit by delay and laches as the

land stood vested in the state when award was announced and possession was taken. The petitioners, having chosen not to challenge the acquisition proceedings for years all together, cannot be allowed to raise the aforesaid pleas under the guise of Section 24(2) of Act of 2013, knowing the fate of the petition in view of law settled by the Hon'ble Supreme Court and especially when the present petition was firstly dismissed for non-prosecution and now is being heard after its restoration.

10. Relying upon the judgment in the case of *V. Chandrasekaran and Anr v. Administrative Officer and others, 2012 (12) SCC 133*, he submits that the petitioners cannot claim parity with the ones in whose favour this court has passed the order for quashing the acquisition proceedings as they approached this court well in time, unlike the petitioners who approached this court after a decade after the enactment of new act. Thus, he has prayed for dismissal of the writ petition.

11. Having heard the respective arguments, going through the respective pleadings and above all the exposition of *Indore Development Authority* (supra), we are of the considered opinion that the instant petition is liable to be dismissed for more than one reason.

I. Physical possession of the land in question stands taken

12. The petitioners in the instant petition have claimed to be in the physical possession of the land in question. Positive case set up by the petitioners is that even though the award was passed on 27.04.2004 and they did not make challenge to the acquisition proceedings but yet the physical possession has not been taken from them. In this regard, the respondents have filed the written statement submitting that possession was taken by drawing panchnama in the

form of Rapat Roznamcha No. 1346 dated 27.04.2004, which has been held as a valid mode of taking possession of the land. Section 16 of the Act of 1894 provides that after taking the possession of the land, it vests in the State free from all encumbrances. Thus, we are of the considered opinion that the physical possession of the land in question stands duly taken and land is vested in the State. The reference in this regard is made to the following paragraphs from the judgment:-

...244. Section 16 of the Act of 1894 provided that possession of land may be taken by the State Government after passing of an award and thereupon land vest free from all encumbrances in the State Government. Similar are the provisions made in the case of urgency in Section 17(1). The word “possession” has been used in the Act of 1894, whereas in Section 24(2) of Act of 2013, the expression “physical possession” is used. It is submitted that drawing of panchnama for taking over the possession is not enough when the actual physical possession remained with the landowner and Section 24(2) requires actual physical possession to be taken, not the possession in any other form. When the State has acquired the land and award has been passed, land vests in the State Government free from all encumbrances. The act of vesting of the land in the State is with possession, any person retaining the possession, thereafter, has to be treated as trespasser and has no right to possess the land which vests in the State free from all encumbrances.

*245. The question which arises whether there is any difference between taking possession under the Act of 1894 and the expression “physical possession” used in Section 24(2). **As a matter of fact, what was contemplated under the Act of 1894, by taking the possession meant only physical possession of the land. Taking over the possession under the Act of 2013 always amounted to taking over physical possession of the land. When the State Government acquires land and draws up a memorandum of taking possession, that amounts to taking the physical possession of the land. On the large chunk of property or otherwise which is acquired, the Government is not supposed to put some other person or the police force in possession to retain it and start cultivating it till the land is used by it for the purpose for which it has been acquired.** The Government is not supposed to start residing or to physically occupy it once possession has been taken by drawing the inquest proceedings for obtaining possession thereof. Thereafter, if any further retaining of land or any re-entry is made on the land or someone starts*

cultivation on the open land or starts residing in the outhouse, etc., is deemed to be the trespasser on land which in possession of the State. The possession of trespasser always inures for the benefit of the real owner that is the State Government in the case.

13. Thus, the plea being raised by the petitioners of being in physical possession of the land in question is wholly mis-conceived and is liable to be rejected. As a consequence of taking of possession of the land, it has vested in the state free from all encumbrances and if the possession has been retained by the petitioners, it is only in the capacity of trespasser and not as owner.

II. Compensation amount for the land in question was tendered.

14. The respondents have categorically pleaded in the written statement that the amount of compensation for the entire acquired land was made available to all the landowners. It is the stand of the State that entire amount of compensation was tendered and the undisbursed balance is available for disbursement. In this regard, Mr. Mittal has asserted that in view of the exposition in Indore Development Authority (supra), the obligation of the State to pay the compensation is discharged if the amount of compensation is tendered which has been interpreted to mean that the amount was made available to the land owners as observed in para 203, which is reproduced herein below:-

*‘...203. The word “paid” in Section 31(1) to the landowner cannot include in its ambit the expression “deposited” in court. Deposit cannot be said to be payment made to landowners. Deposit is on being prevented from payment. **However, in case there is a tender of the amount that is to mean amount is made available to the landowner that would be a discharge of the obligation to make the payment and in that event such a person cannot be penalised for the default in making the payment.** In default to deposit in court, the liability is to make the payment of interest under Section 34 of Act of 1894. Sections 32 and 33 (which had been relied upon by the landowners’ counsel to say that valuable rights in here, in the event of deposit with court, thus making deposit under Section 31 mandatory) provide for investing amounts in the Government securities, or seeking alternative lands,*

*in lieu of compensation, etc. Such deposits, cannot fetch higher interest than the 15 per cent contemplated under Section 34, which is pari materia to Section 80 of Act of 2013. Section 34 is pari materia to section 80 of Act of 2013 in which also the similar rate of interest has been specified. Even if the amount is not deposited in Reference Court nor with the treasury as against the name of the person interested who is entitled to receive it, if Collector has been prevented to make the payment due to exigencies provided in Section 31(2), interest to be paid. **However, in case the deposit is made without tendering it to the person interested, the liability to pay the interest under section 34, shall continue.** Even assuming deposit in the Reference Court is taken to be mandatory, in that case too interest has to follow as specified in section 34. However, acquisition proceeding cannot lapse due to non-deposit....’*

15. The aforesaid facts clearly reveal that the observations made hereinabove did not leave any scope for doubt that the State has discharged its obligation towards making the compensation for the land acquired. Therefore, the contention of the petitioner that no compensation amount has been received by them is meritless and, thus, is hereby rejected. Thus, second contingency for claiming the lapsing of acquisition proceedings is also not available to the petitioners.

III. None of the conditions prescribed in Section 24(2) of the Act of 2013 are fulfilled.

16. The Hon’ble Supreme Court of India in Indore Development Authority (supra) has clearly observed that for deemed lapsing of acquisition proceedings under Section 24 (2) of the Act of 2013, both the conditions i.e. payment of compensation and taking of possession must not be fulfilled i.e. if either of the condition is fulfilled, the lapsing cannot happen. The Hon’ble Supreme Court of India has observed that word “or” occurring in Section 24 (2) of the Act of 2013 must be read as “and/nor”. Relevant paras from the judgment are reproduced here in below:-

‘...99. In this Court’s considered view, as regards the collation of the words used in Section 24(2), two negative conditions have been prescribed. Thus, even if one condition is satisfied, there is no lapse, and this logically flows from the Act of 1894 read with the provisions of Section 24 of the Act of 2013. Any other interpretation would entail illogical results. That apart, if the rule of interpretation with respect to two negative conditions qualified by “or” is used, then “or” should be read as “nor” or “and”.

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101. In M/s. Ranchhoddas Atmaram and Anr. v. The Union of India and Ors.77, a Constitution Bench of this Court observed that if there are two negative conditions, the expression “or” has to be read as conjunctive and conditions of both the clauses must be fulfilled. It was observed:

“(13) It is clear that if the words form an affirmative sentence, then the condition of one of the clauses only need be fulfilled. In such a case, "or" really means "either" "or." In the Shorter Oxford Dictionary one of the meanings of the word "or" is given as "A particle co-ordinating two (or more) words, phrases or clauses between which there is an alternative." It is also there stated, "The alternative expressed by “or” is emphasised by prefixing the first member or adding after the last, the associated adv. EITHER." So, even without "either," "or" alone creates an alternative. If, therefore, the sentence before us is an affirmative one, then we get two alternatives, any one of which may be chosen without the other being considered at all. In such a case it must be held that a penalty exceeding Rs. 1,000 can be imposed.

(14) If, however, the sentence is a negative one, then the position becomes different. The word "or" between the two clauses would then spread the negative influence over the clause following it. This rule of grammar is not in dispute. In such a case the conditions of both the clauses must be fulfilled and the result would be that the penalty that can be imposed can never exceed Rs. 1,000.’

(15) The question then really comes to this: Is the sentence before us a negative or an affirmative one? It seems to us that the sentence is an affirmative sentence. The substance of the sentence is that a certain person shall be liable to a penalty. That is a positive concept. The sentence is therefore not negative in its import.”

(emphasis supplied)

Thus, for lapse of acquisition proceedings initiated under the old law, under Section 24(2) if both steps have not been taken, i.e., neither physical possession is taken, nor compensation is paid, the land acquisition proceedings lapse...’

17. In the case in hand as reflected from the reply filed, it is evident that after the award was announced on 27.04.2004, the physical possession was taken by recording Rapat Roznamcha No. 1346 dated 27.04.2004 and the compensation amount was duly tendered and deposited in the reference Court as well. Therefore, since none of the conditions prescribed in Section 24(2) of the Act of 2013 are fulfilled, said provisions cannot be relied upon by the petitioners to claim lapsing of the acquisition proceedings.

IV. Essentiality of the land in question

18. Mr. Ankur Mittal, on the strength of the facts pleaded in the written statement, has vehemently contended that the State acquired the land for the public purpose, namely, for development and utilization of land as residential and commercial area Sector 15 Jagadhari. The land in question is very much essential to achieve the public purpose as it affects the development of road which is integral part of infrastructure development i.e. 12 meter wide road, 10 meter wide road, plot of 8 marla, 10 marla, 14 marla, 6 marla and 4 marla category along with the public building, community centre, EWS site. We have considered this part of argument raised by the respondents and we are in complete agreement with the same as this is an important factor to be kept in mind while dealing with the case arising out of the acquisition of land to achieve the public purpose and it is the State/its authority who is in the best position to decide about utilization of the land acquired, after it having been vested in State.

19. As regards the plea of the petitioners based upon additional affidavit are concerned, we are not inclined to entertain the same as the land in question has vested in the State after possession of land was taken. Once such vesting is completed, the divesting of land is legally not permissible and rather

not warranted as for a decade petitioners accepted the fate of acquisition proceedings. They did not assail the proceedings at relevant point of time and then a petition was filed seeking lapsing of acquisition proceedings under section 24(2) of Act of 2013 which was disposed of to decide the representation. The representation was accordingly decided and claim was rejected. Once again it was challenged by way of present petition on the ground that the case has not been considered rightly under section 24(2) of Act of 2013. This implies that all the points which are now sought to be raised were never pleaded earlier and eventually were given up, however, now knowing the fate of petition all these pleas are being taken. Such pleas are clearly barred by delay and laches and cannot be entertained.

20. As regards reliance placed on orders passed by this Court quashing the acquisition proceedings arising out of same notifications is concerned, the law has been settled by the Hon'ble Supreme Court in **V. Chandra Sekaran** (supra) that the order passed in favour of one person who is more vigilant would not give rise to any cause of action to claim parity who was sitting on the fence and waiting all the time. The Court observed as follows:-

'...10. The relief obtained by some persons, by approaching the Court immediately after the cause of action has arisen, cannot be the basis for other persons who have belatedly filed their petition, to take the benefit of earlier relief provided, for the reason that, such persons cannot be permitted to take impetus of an order passed by the court, at the behest of another more diligent person. (Vide: Ratan Chandra Sammanta & Ors. v. Union of India & Ors., AIR 1993 SC 2276; State of Karnataka & Ors. v. S.M. Kotrayya & Ors., (1996) 6 SCC 267; and Jagdih Lal & Ors. v. State of Haryana & Ors., AIR 1997 SC 2366).

11. In Abhey Ram (dead) by L.Rs. & Ors. v. Union of India & Ors., 1997(3) R.C.R. (Civil) 140, a three Judge Bench of this Court, dealt with an issue similar to the one involved herein. The question that arose was whether the quashing of the

notification/declaration under the Act by the court in respect of other matters, would confer benefit upon non-parties also. The Court held as under:

"The question then arises is whether the quashing of the declaration by the Division Bench in respect of the other matters would enure the benefit to the appellants also. Though, prima facie, the argument of the learned counsel is attractive, on deeper consideration, it is difficult to give acceptance to the contention-. If it were a case entirely relating to Section 6 declaration as has been quashed by the High Court, necessarily that would enure the benefit to others also, though they did not file any petition, except to those whose lands were taken possession of and were vested in the State under Sections 16 and 17(2) of the Act free from all encumbrances."

12. In H.M.T. House Building Co-operative Society v. Syed Khader & Ors., 1995 (2) R.R.R. 148 , this Court quashed the land acquisition proceedings in toto, wherein the land had been acquired by the Government for the use of the cooperative society which had planned a housing scheme upon it, in view of the conclusion that it could not be called a "public purpose", within the meaning of the Act. The Court further directed the respondents therein to restore the possession of the land to the tenure holders/persons-interested, and such persons were thereafter, directed to refund the amount received by them as compensation. (See also: H.M.T. House Building Cooperative Society v. M. Venkataswamappa & Ors., (1995) 3 SCC 128).

13. The said judgment has subsequently been approved and followed by this Court, in Delhi Admn. v. Gurdip Singh Uban & Ors., 1999(4) R.C.R.(Civil) 120 , wherein this Court held as follows:

"Quashing the notification in the cases of individual writ petitions cannot be treated as quashing the whole of it. That was what was held in Abhey Ram case (supra). The main points raised before us are fully covered by the judgment of the three Judge Bench in Abhey Ram's case."

14. In Om Prakash v. Union of India & Ors., AIR 2010 SC 2430, this Court considered a similar issue and reiterated the view taken by this Court in Abhey Ram (supra), wherein it was held that, in case a person interested has not filed any objection to the notice issued under Section 5-A of the Act, or challenged the acquisition proceedings, he cannot claim that the order of quashing the declaration in some other matter, would also cover his case. The Court held as under:

"The facts of the aforesaid cases would show that in the case in hand as many as four declarations under Section 6 of the

Act were issued from time to time. Finally when declaration is quashed by any Court, it would only enure to the benefit of those who had approached the Court. It would certainly not extend the benefit to those who had not approached the Court or who might have gone into slumber."

15. Therefore, the law on the issue can be summarised to state that, in the event that the person interested has not filed objections in response to a notice issued under Section 5-A, and has not challenged the acquisition proceedings, the quashing of the declaration issued under Section 6 in some other case, would not enure any benefit to such person. More so, where the possession of land has already been taken, and such land stands vested in the State, free from all encumbrances as provided under Sections 16 and 17(2) of the Act, prior to the date of decision of the Court quashing the declaration in toto, no benefit can be taken by him. Where a party has not filed objections to the notice issued under Section 5-A, the declaration qua such persons is generally neither quashed, nor does it stand vitiated qua him, by any error of law warranting interference. There is also another view with respect to this matter, which is that, in case the said land has been acquired for a Scheme, which does not fall within the ambit of "public purpose" then, in such a case, it would not be a case of acquisition under the Act, instead, it would amount to colourable exercise of power...'

21. Therefore, in view of the settled law, we do not find any merit in the arguments being raised by the petitioners in this regard. As a sequel of the above discussion and in view of law summarized in para 363 of Indore Development Authority (supra), specifically after having recorded that in the case in hand, the physical possession of the land in question having been taken, the obligation for payment of compensation stands discharged and also considering that the land in question is very much essential to achieve the public purpose, we have no hesitation to hold that in the instant case, the State has fully discharged its obligation qua both the contingencies occurring in section 24 (2) of 2013 Act and it being so, the present petition is dismissed.

22. Having dismissed the main writ petition, application(s), if any, also meets the same fate. Status quo, if any, stands vacated.

(Ravi Shanker Jha)
Chief Justice

(Arun Palli)
Judge

29.07.2022
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO