

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-25384-2017

Date of decision: 02.03.2022

Karam Chand and others

....Petitioners

V/s.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Tarun Sharma, Advocate for
Mr. Sanjiv Gupta, Advocate for the petitioners.

Mr. Ankur Mittal, Addl.A.G., Haryana with
Mr. Saurabh Mago, A.A.G., Haryana.

Ritu Bahri, J. (Oral).

The petitioners are seeking quashing of the notification dated 14.02.1995 (Annexure P-1) issued under Section 4 of Land Acquisition Act, 1894 alongwith consequential proceedings and the notification dated 24.07.1995 (Annexure P-2) issued under Section 6 of the Land Acquisition Act, 1894 keeping in view of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the Act, 2013) as neither compensation has been given to the petitioners nor possession has been taken by the respondents.

After notice of motion, written statement dated 28.02.2018 of Additional Director (Admn.), Tourism Department Haryana, Chandigarh was filed on behalf of respondents No. 1 to 3. The respondents have also placed on record rapat roznamcha dated 10.09.1998 (Annexure R-2) and mutation dated 14.10.2013 (Annexure R-3) sanctioned in favour of Tourism Department Haryana. Thereafter, the instant petition was adjourned *sine die*

to be listed for hearing as the ***SLP (C) No. 9036-9038-2016*** titled as ***Indore Development Authority vs. Manoharlal and others***, was stated to be pending in the Supreme Court.

Now the said SLP has been decided vide judgment dated 06.03.2020 and the State is seeking dismissal of the instant writ petition by way of filing CM-14328-2021, keeping in view that acquisition proceedings were completed after passing of the award and the Tourism Department Haryana had deposited a cheque of an amount of Rs.23,28,585/- bearing No. 0378911 dated 19.02.1996 as compensation with the SDO (Civil)-Cum-Land Acquisition Collector, Kalka vide office letter No. TM-96/681, dated 19.02.1996 including solatium of 30% as well as interest @ 12% per annum for disbursement to the land owners. On 22.02.1996 the compensation was paid and accepted by the land owners and the said fact was admitted by the petitioners when notice of motion was issued on 12.12.2017. It is further stated in the said application that ***CWP-24674-2016*** titled as ***Ganpat vs. State of Haryana and others*** seeking release of the land under Section 24(2) of the Act, 2013, has already been dismissed vide order dated 31.05.2017 and the said judgment has been placed on record as Annexure R-4 along with the afore-mentioned written statement. As per the letter dated 10.01.2018 (Annexure R-5), the Executive Engineer, Haryana Tourism Corporation Ltd., Chandigarh intimated that the boundary wall work at village Kaziana Block Pinjore on 3 sides has been done. The work of 2300 Rft. length out of 3200 Rft. length has been executed and the balance work is in progress.

Heard learned counsel for the parties.

In ***Ganpat's case (supra)***, it has been observed that after taking

compensation, the land owners have also filed applications for enhancement of compensation on the ground that land has not been utilized.

After the decision of ***CWP-24674-2016***, the Supreme Court has also given judgment in the ***Indore Development Authority's case (supra)*** on similar terms and it has been held that once the rapat roznamcha and mutation are entered and compensation has been taken by the land owners, the land will vest with the State free from all encumbrances and the plea under Section 24(2) of the Act, 2013 will not be applicable.

With these observations, this writ petition is dismissed.

(RITU BAHRI)
JUDGE

02.03.2022

Divyanshi

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No