

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-25423-2017 (O&M)

Reserved on: 04.08.2022

Pronounced on: 24.08.2022

Ram Rakha

....Petitioner

V/s.

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Yowan Sharma, Advocate for the petitioner.

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

**Mr. Sant Kashyap, Advocate
for respondent No.6.**

**Mr. Param Ahluwalia, Advocate for
Mr. Akshay Jindal, Advocate for
respondents No. 9, 16, 17, 20 and 21.**

Ritu Bahri, J.

The petitioner is seeking writ of certiorari for quashing of notification dated 24.05.1976 (Annexure P-1) whereby his land measuring 2 Bigha 2 Biswa comprising in Khasra No. 391 min. has been acquired by invoking power under Section 4 read with clause C of Sub-section 2 of Section 17 of the Land Acquisition Act, 1894.

The petitioner is seeking release of the said land on the ground that acquisition has now lapsed in view of provision of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the Act, 2013') as the physical possession of the acquired land has neither been

taken by the respondents nor any compensation has been paid to him.

On notice of this petition, reply dated 10.07.2018 has been filed by respondent No. 5- Naib Tehsildar, Kalka, District Panchkula. It is stated therein that acquisition proceedings were initiated in the year 1976 vide notification dated 24.05.1976 under Section 4 of the Land Acquisition Act, 1894 for allotment of residential plots to landless/homeless harijans and members of backward classes in the village of Tehsil Kalka, District Ambala. Under the said notification, the land comprising in Khasra No. 391 Min. measuring 2 Bighas and 13 Biswas of village Bar Had Bast No. 135 Tehsil Kalka, District Panchkula was got acquired and the award of the same was passed for Rs.2,366.60. The mutation was sanctioned by the revenue department bearing no. 1462 dated 28.12.1976 (Annexure R-1) to this effect. Vide mutation bearing no. 1509 dated 07.05.1980 (Annexure R-2), said land was got partitioned and ten plots measuring 100 square yards were carved out for the eligible candidates and eleven gift deeds were executed by the State Government in favour of the eligible candidates as per the details given in Annexures R-3 to R-10. The said land has been utilized for the purpose of which acquisition was done.

Learned counsel for the State has referred to a recent judgment passed by Division Bench of this Court in **CWP-19431-2015** titled as ***Bhim Singh and others vs. State of Haryana and others***, pronounced on 29.07.2022 wherein challenge was made to notifications issued way back in the years 1977 and 1980 and the award was passed on 02.11.1986. While considering the provisions of Section 24(2) of the Act, 2013, reference was made to the judgment passed by the Constitution Bench of Hon'ble Supreme Court in ***Indore Development Authority Vs. Manohar Lal and others AIR***

2020 SC 1496 in which it has been held that the provisions of Section 24(2) of the Act, 2013 would apply to pending proceedings where possession has not been taken and compensation has not been paid and not to the case where acquisition proceedings have concluded long back. The Division Bench further observed that re-opening of the acquisition proceedings after efflux of time cannot be allowed as procuring legible records poses a challenge. Once the acquisition proceedings attained finality, the land vests with the State free from all encumbrances and no ground to interfere with the acquisition proceedings under Section 24(2) of the Act, 2013 is made out.

In the facts of the present case, as per the reply dated 10.07.2018, acquisition proceedings were initiated vide notification dated 24.05.1976 under Section 4 of the Land Acquisition Act, 1894 and the land in question was got acquired. Thereafter, the award was passed for Rs.2,366.60. The gift deeds were executed in favour of the eligible landless/homeless harijans and members of backward classes as per revenue record (Annexures R-2 to R-10) and the possession has been given way back in the year 1980. Since the acquisition proceedings relate to the year 1976, no case to entertain this writ petition is made out and the same is hereby dismissed. Pending application, if any, stands dismissed.

(RITU BAHRI)
JUDGE

24.08.2022

Divyanshi

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No