

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 8071 of 2014
Reserved on : 29.03.2022
Pronounced on : 31.08.2022

Smt. Raj Kumari 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

Present:- Mr. Hemant Sarin, Advocate, for the petitioners.
Mr. Ankur Mittal, Addl. Advocate General, Haryana with
Mr. Saurabh Mago, Asst. Advocate General Haryana, and
Ms. Kushaldeep K Manchanda for respondents No.1 and 2.
Mr. Ram Lal Yadav, Advocate, for
Mr. Lokesh Sinhal, Advocate, for respondent No.3-HSIIDC.

RAVI SHANKER JHA, C.J.

1. The instant petition has been filed claiming that the acquisition proceedings carried out vide the notifications issued under Section 4 & 6 of the Land Acquisition Act, 1894 dated 05.10.2005 and 06.10.2006 respectively; followed by the award dated 17.10.2008, thereby acquiring the land for a public purpose, namely for the development of Sectors 59 and 60 (residential) Sonipat in the revenue estate of villages Nangal Kalan, Aterna and Sersa, Tehsil and District Sonapat; 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 (for short, 'the 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 Supreme Court. The controversy was finally put at rest by the Constitution Bench of the Supreme Court in ***Indore***

Development Authority Vs. Manohar Lal and others AIR 2020 SC 1496

penultimate paragraph of which is reproduced here in 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shall continue as provided under Section 24(1)(b) of the Act of 2013 under the Act of 1894 as if it has not been repealed.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 Supreme Court is that the first and foremost condition to seek lapsing is that 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 be 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, the 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 Supreme Court 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 a new cause of action to question the 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 the Act of 2013.

4. As per the case put forth by the petitioners, they own agricultural land measuring 13 Kanal 17 Marla comprised in Khasra No. 68//1/1 (0-9), 10/2 (3-6), 11/1 (6-4) and 20/1 (3-18) in Village Nangal Kalan, Tehsil Rai and District Sonapat. The State Government on 05.10.2005 issued notification under Section 4 of the Land Acquisition Act 1894 for acquiring the land measuring 7080 Kanal 3 Marla in villages Nangal Kalan, Aterna and Sersa, District Sonapat for the public purpose namely, development of Sectors 59 and 60 (residential), Sonapat. The said notification also included the land in question. Pursuant to the same, the State Government issued declaration under Section 6 of the Act of 1894 for acquiring the land measuring 6597 Kanal in Village Nangal Kalan, Aterna and Sersa, District Sonapat. As averred in the petition a major portion of area was released from the acquisition proceedings before issuance of declaration under Section 6 of the Act of 1894. Thereafter, the State Government issued a notification under Section 48 of the Act of 1894 thereby withdrawing the acquisition proceedings qua the land

measuring 5230 Kanal 14 Marla and ultimately, award was announced only for an area measuring 849 Kanal 11 Marla in village Nangal Kalan. As per the petitioners, the majority of land i.e 5713 Kanal 17 Marla stands released from the acquisition proceedings and major portion of released area forms part of TDI City at Kundli.

5. After announcement of award, entry was made in the Rapat Roznamcha, however, the petitioners have retained the actual physical possession of the land even after the announcement of award which fact is evident from the crops standing on the land in question as is also revealed from the Khasra Girdawris. It is the case of the petitioners that they have been discriminated as majority portion of land was released from the acquisition proceedings at different stages and as a consequence thereof, the public purpose sought to be achieved by the State has frustrated. It is the further case of the petitioners that even the amount of compensation has also not been paid to them for acquired land and neither same has been deposited with the Reference Court. Therefore, as a conspectus of same on account of fulfillment of both the contingencies mentioned in Section 24 (2) of the Act of 2013, the acquisition proceedings qua the land in question have lapsed.

6. Per contra Mr. Ankur Mittal, learned counsel appearing for the respondents, submitted that the facts narrated by the petitioners do not reveal actual factual position of the case at hand. He has contended that by issuing notification under Section 4 of the Act of 1894 on 05.10.2005, the State Government intended to acquire the land measuring 885 acres 0 kanal 3 marla of villages Nangla Kalan, Aterna and Sersa, Tehsil and District Sonipat. After considering the recommendations of LAC and the beneficiary department i.e. HSIIDC, the State Government issued

declaration under Section 6 of the Act of 1894 for acquiring the land measuring 824 acres 5 kanal of village Nangal Kalan, Aterna and Sersa, Tehsil and District Sonipat. Since the Department of Town and Country Planning had granted licenses/letter of intent for setting up of residential colonies under the Haryana Development and Regulation of Urban Areas Act, 1975 and requests were received for release of land from the acquisition proceedings, HSIIDC and State Government decided to release 604 acres 5 kanal 16 marla land and decision was taken to announce the award for the remaining land. Further the decision was also taken to withdraw from the acquisition proceedings of land measuring 49 acres 0 kanal 18 marla falling under revenue rastas, which was of no use to the HSIIDC and accordingly, notification under Section 48 of the Act of 1894 was issued thereby withdrawing the acquisition proceedings of the land measuring 653 acres 6 kanal 14 marla and award was announced for remaining land on 17.10.2008. The possession of the acquired land was taken vide rapat No. 98 dated 17.10.2008 and was handed over to HSIIDC by LAC, Sonipat. As regards the status of compensation he submitted that entire award money of the acquired land i.e. Rs.45,37,65,530/- was deposited in the account of LAC by HSIIDC vide office memo dated 15/16.10.2008 and 07.07.2009. Thus, the amount of compensation was duly tendered and is still available; however, the petitioners have themselves chosen not to receive the same. Thus, in view of the law laid down by the Supreme Court in the case of Indore Development Authority (supra), none of the contingencies provided in Section 24 (2) of the Act of 2013 are fulfilled as possession of the land stands duly taken and the compensation amount stands duly tendered,

accordingly, no declaration for lapsing of the acquisition proceedings can be made.

7. As regards the plea of discrimination, Mr. Mittal has contended that the discrimination is being claimed by the petitioners on account of release of land made under Section 48 of the Act of 1894 on 16.10.2008. It is a matter of fact that the petitioners have neither challenged the award nor the notification issued under Section 48 of the Act of 1894 before filing of the instant writ petition. This clearly implies that the petitioners have acquiesced to the acquisition proceedings undertaken by the State Government and are only trying to rake up the issue under the garb of Section 24 (2) of the Act of 2013 in order to infuse life in the dead cause of action. He submits that such plea would not only be hit with the principle of “*delay and laches*” but also the “*doctrine of acquiescence*” which means giving tacit assent to act of others. He has further argued that the acquiescence virtually destroys the rights accrued in favour of someone by way of maintaining silence, it comes into play when a party having a right stands by and sees another dealing in a manner inconsistent with that right, while the act is in progress and after violation is completed, which conduct reflects his assent or accord and he cannot afterwards complain. There is only one exception to application of the doctrine of acquiescence which will come into play, if the lapse of time is of no importance or consequence. As far as the case of land acquisition is concerned, the doctrine assumes more significance especially after the land having been vested in the State, as any plea being raised against the acquisition at the instance of land owners will have to cross the hurdle of “*doctrine of acquiescence*” the parameters of which are more stringent than the “*doctrine of laches*”, as it destroys not only the remedy but also

the rights. He has further argued that thus in a case of challenge to the land acquisition, the consistent view of this Court as well as the Supreme Court is that if someone is aggrieved with the action of the State, he needs to avail his remedy at the first instance and cannot be allowed to sit on the fence and to jump in the field at a later stage seeing the result in favour of a similarly situated person. He has further argued that thus, the settled law in this regard is that if a land owner is aggrieved with the action of the State on any account including of deprivation of his legal right and also of any procedural irregularity i.e., of any defect in the notification issued, no proper hearing of the objection filed under Section 5A of the Act etc., a right accrues in his favour to invoke the jurisdiction of this Court, but if he maintains silence and allows the proceedings to happen at the instance of the State, any plea of such land owner to seek the equitable relief will have to cross the hurdle of not only the doctrine of delay and laches but also of the doctrine of acquiescence which is sufficient to destroy the rights. He has relied upon the recent judicial pronouncement of the Supreme Court in the case titled as ***“The Chairman, State Bank of India and another Vs. MJ James, Civil Appeal No. 8223 of 2009”*** decided on 16.11.2021 wherein while deliberating upon the distinction between “*acquiescence*” and “*delay and laches*” it has been held that *laches* destroy the remedy but *acquiescence* virtually destroys the rights of the person. The acquiescence can be either direct with full knowledge and express approbation, or indirect where a person having the right, sees another dealing in a manner inconsistent with that right and inspite of the alleged infringement, takes no action; mirroring acceptance.

8. Applying the said principle of law onto the factual matrix of the instant case, he has argued that the present petition has been filed by the petitioners in the year 2014 for seeking relief under Section 24 (2) of the Act of 2013, whereas, the action by which the petitioners are aggrieved is of the year 2008. The appropriate time for challenging the acquisition proceedings was either after the declaration was issued under Section 6 of the Act of 1894 or immediately after the announcement of award. However, the petitioners failed to avail their remedies and now after the acquisition proceedings have attained finality and the land stands vested in the State free from all encumbrances, he submits that the instant petition is not maintainable by virtue of doctrine of “acquiescence”. He has placed reliance on the judgments passed in the case of ***Aflatoon and others v. Lt. Governor of Delhi and others AIR 1974 SC 2077; Northern Indian Glass Industries v. Jaswant Singh and others AIR 2003 SC 234; M/s Star Wire (India) Ltd. v. State of Haryana and others; State of T.N and others v. L. Krishnan 1996 (1) SCC 250.***

9. He has further argued that even otherwise as clarified by the Supreme Court in Indore Development Authority (supra), Section 24 (2) of the Act of 2013 does not give a fresh cause of action and is available to be invoked only in respect of the cases wherein the proceedings were pending as on the date of coming into the effect of the Act of 2013. Thus, if any land owner chooses to invoke the provisions of Section 24 (2) of the Act of 2013, the same can only be confined to demonstrate that the acquisition proceedings have lapsed and it does not entitle the land owner to take up any other plea including of procedural irregularity, discrimination, parity etc., as permitting the same would mean interfering in the settled competing rights of the parties and virtually will affect the

larger public interest and is bound to result in the loss to the public exchequer. Thus, a strict duty lies on the shoulders of the Courts to ensure maintenance of the supremacy of public interest over the private interest when a conflict arises between two.

10. On merits he has submitted that the decision of the State Government to withdraw from the acquisition proceedings cannot be doubted on drop of a hat. The decision taken by the State for withdrawing the acquisition proceedings was a conscious decision. The development process involves various stakeholders and the grant of license by the State for setting up of residential colony is a legal process as provided under Haryana Regulation and Development of Urban Areas Act, 1975. Though there is no bar even in acquiring such land for which licence for setting up the colony has been granted by the State, however at the same time in view of the integrated development the State Government is within four corners of law to take a conscious decision for exempting certain land from the acquisition proceedings without affecting the ultimate public purpose sought to be achieved. Therefore, the decision taken by the State Government to withdraw from the acquisition proceedings qua certain parcels of land after considering the recommendations of LAC, HSIIDC etc., is a valid decision.

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 them

is that even though the award was passed on 17.10.2008 and they did not challenge the acquisition proceedings but 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. 98 dated 17.10.2008 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. 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, we are of the considered opinion that the physical possession of the land in question stands duly taken and thus, the plea of the petitioners of being in physical possession of the land in question is wholly mis-conceived and is liable to be rejected.

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 the amount of compensation as regards the land in question was duly tendered and is lying deposited in the account of Land Acquisition Collector. Therefore, 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 here in 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 inhere, 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....’*

Therefore, the contention of the petitioners that no compensation amount has been received by them is meritless and thus, is hereby rejected.

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

15. The Supreme Court 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 Supreme Court has observed that the 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. RanchhoddasAtmaram 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...’

16. In the case at hand as reflected from the reply filed, it is evident that after the award was announced on 17.10.2008, the physical possession was taken by recording Rapat Roznamcha No. 98 dated 17.10.2008 and the compensation amount was duly tendered. Since none

of the conditions prescribed in Section 24 (2) of the Act of 2013 are fulfilled, therefore, said provision cannot be relied upon by the petitioners to claim lapsing of the acquisition proceedings.

IV. Essentiality of the land in question

17. 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 of Sectors 59 and 60 (Sonipat). The land in question is very much essential to achieve the public purpose as the same is to be planned and developed in accordance with the layout plan. 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.

18. As regards the plea of discrimination being raised by the petitioners at this stage, we are not inclined to accept the submissions as in the cases arising out of land acquisition, the concept of negating a challenge on account of the doctrine of delay and laches is well acknowledged. It assumes more significance when the plea of delay and laches is taken against the land owner after the vesting has taken place in favour of the State. It is well acknowledged principle of law that in order to plead infringement or to claim equitable relief, the litigant who chooses to approach the Court must not show lackadaisical attitude. Undoubtedly the concept of doctrine of acquiescence is on much higher footing which has been considered to be sufficient to even destroy the rights. We are in agreement with the argument of the State that the land

owner is not entitled to raise the plea of discrimination, on account of decision of the State Government to withdraw from the acquisition proceedings, at a belated stage, as the doctrine of acquiescence will come into play which is sufficient to take away that right. Any such belated plea must be rejected at the threshold. Further, we do not find any element of discrimination as the decision taken by the State is in line with the concept of integrated development and the petitioners have failed to aver even a single word as to how they are similarly situated to the persons whose land was left out from the acquisition proceedings.

19. As a sequel of the above discussion and in view of the law summarized in para 363 of Indore Development Authority (supra), specifically after having recorded that in the case at hand, the physical possession of the land in question having been taken, the obligation for payment of compensation 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 the Act of 2013 and it being so, the instant petition is dismissed.

20. Having dismissed the main writ petition, pending application, if any, also meets the same fate. Status quo, if any, stands vacated.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

31.08.2022
ndj

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