

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

CWP-26882-2019 (O&M)  
Date of decision: 31.08.2022

Rajesh Kumar and others

...Petitioners

Vs.

State of Haryana and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI  
HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: Mr. J.P. Sharma, Advocate,  
for the petitioners.

Mr. Ankur Mittal, Addl. A.G., Haryana,  
and Mr. Saurabh Mago, AAG, Haryana.

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**Ritu Bahri, J. (Oral)**

Petitioners are seeking quashing of the notifications dated 07.03.1990 and 09.05.1990 (Annexures P-1 to P-3) issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short '1894 Act'), impugned order dated 28.12.1990 (Annexure P-4) and Award dated 07.05.1992 (Annexure P-5), whereby land of the petitioners has been acquired.

The present petition has been filed after a gap of almost 29 years on the ground that possession of the land in question has not been taken from the landowners and very purpose of the acquisition has not been carried out, for which the land had been acquired. They are seeking direction to the respondents to issue a fresh notification for acquisition and pay them compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short '2013 Act').

Nos.1 to 6 has been filed, whereby it is stated that after announcement of award on 07.05.1995 (Annexure P-5), mutation No.1152 (Annexure R-1) was sanctioned in favour of the State Government on 05.12.1996. For all intents and purposes, the acquisition proceedings have been concluded. The respondents have placed on record copy of Jamabandi for the year 2000-01 (Annexure R-2) and Khasra Girdawari from *Kharif* 2016 to *Kharif* 2019 (Annexure R-3) to show that Government of Haryana is the owner of the land in question. With respect to representation (Annexure P-6), it is stated that the petitioners had opposed the acquisition of their land, so they refused to take the compensation, due to which, letter dated 08.05.1992 (Annexure R-4) was written by respondent No.6 to the Tehsildar, Narnaul for conducting proclamation in village Budhwal for taking compensation by the landowners. Since the landowners had refused to take compensation, they did not file any reference under Section 18 of 1894 Act for enhancement of the compensation. With regard to utilization of the land, the respondents have placed on record a resolution dated 23.12.2019 (Annexure R-5), whereby the Gram Panchayat, Budhwal had given no objection for construction of canal (sub minor) in the interest of public. Relevant extract of the resolution is reproduced as under:-

“The Sarpanch has submitted resolution before the present Panches in today's meeting to consider that Gram Panchayat, Budhwal, has no objection for the construction of canal in the area of Minor.

After consideration, the present Panches told that the resolution of the Sarpanch is right and in the public interest. So, the present members have decided that the Gram Panchayat has no objection in the construction of canal in the Gram Panchayat. The canal construction work should be done immediately. So a copy of this resolution is forwarded to the S.D.O. (Canal Department), Narnaul through BD & PO, Nangal Chaudhary. The reslution is accepted.”

In the reply filed, reference has been made to the judgment dated 06.03.2020 passed by Hon'ble the Supreme Court in **Indore Development Authority vs. Manoharlal and others**, AIR 2020 SC 1496, wherein, it has been held that once the award has been passed and possession has been taken under Section 16 of 1894 Act, the land vests in the State and there was no divesting provided under Section 24 (2) of 2013 Act. Section 24 of the Act applied to a proceedings pending on the date of enforcement of 2013 Act i.e. 01.01.2014. 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 of Court to invalidate acquisition.

In the facts of the present case, petitioners themselves have refused to take compensation and after passing of the Award dated 07.05.1992 (Annexure P-5), mutation No.1152 (Annexure R-1) has already been sanctioned in favour of the State Government on 05.12.1996. Jamabandi for the year 2000-01 (Annexure R-2) and Khasra Girdawari from *Kharif* 2016 to *Kharif* 2019 showing ownership of the State of Haryana have been placed on record as (Annexures R-2 and R-3). Once petitioners are not disputing that they are not in possession of the land in question and mutation has been sanctioned in favour of the State, they cannot seek quashing of the notification. Further, as per resolution (Annexure R-5), Gram Panchayat, Budhwal, had raised no objection in construction of the canal.

In view of the above discussion and the law laid down in

**Indore Development Authority's** case (supra), no ground for quashing of

the impugned notification is made out.

Resultantly, finding no merits, present petition is dismissed.

(RITU BAHRI)  
JUDGE

(NIDHI GUPTA)  
JUDGE

31.08.2022  
ajp

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