

**CM-5210-2022 in RA-CW No. 89&395-2018 in
CWP No. 5876-2008**

M/S JANTA OIL COMPANY AND OTHERS VS STATE OF HARYANA AND OTHERS

Present: Mr. Saurabh Mago, AAG, Haryana
for the applicant/respondent No. 3.

Mr. Amit Jain, Sr. Advocate with
Mr. Ashwani Bhardwaj, Advocate and
Mr. Lokesh Sharma, Advocate
for the non/applicant-petitioners.

CM-5210-2022

Application is allowed as prayed for.

Accordingly, reply along with Annexure A-1 to A-3 are taken on record.

RA-CW No. 89&395-2018

The present applications have been filed seeking review of order dated 30.11.2017 passed by this Court in CWP No. 5876-2008.

Heard.

A bare perusal of order dated 30.11.2017 shows that notification with respect to acquisition of the land under Section 4 and 6 of the Land Acquisition Act, 1894, were issued on 11.07.2006 and 16.07.2007. The award was announced on 23.06.2009 by the Land Acquisition Collector.

Learned counsel for the non/applicant-petitioners contends that the case of the petitioners was covered by the judgment of this Court passed in the case of *Rakesh Dhand vs. State of Haryana and others*, decided on 16.11.2017 (A-1) whereby challenge was to notifications under Sections 4 and 6 of the Land Acquisition Act, 1894, issued on 11.07.2006 and 16.07.2007, respectively. In that case, admittedly, on the plot owned by the petitioner, which was sought to be acquired, there was construction prior to issuance of notification under Section 4 of the Act. The same was being used by the petitioner for industrial purpose. The writ petition of Ramesh Dhand was disposed of by this Court, keeping in view the

fact that State on its own in some of the cases had released the land where

construction existed prior to the issuance of notification under Section 4 of the Act. Accordingly, the acquisition of land measuring 343 sq yards owned by the petitioner was quashed.

In the present case, the notifications with respect to acquisition of the land under Sections 4 and 6 of the Land Acquisition Act, 1894, were issued on 11.07.2006 and 16.07.2007. The award was passed on 23.06.2009 by the Land Acquisition Collector. Hence the acquisition proceedings would not lapse if award was passed even under Section 11 of the Land Acquisition Act, 1894. The provisions of Section 24 (2) of the The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 could not be relevant. Thus, the case of the petitioners is fully covered by the judgment dated 16.11.2017 (A-1). Till date, the petitioners have not received the compensation and the construction on the acquired land owned by the petitioners was in existence prior to the notification under Section 4 of the Act.

Even if acquisition proceedings do not lapse under Section 24 of the Act, the case of petitioners was fully covered, vide judgment dated 16.11.2017 (A-1).

No ground is made out to review order dated 30.11.2017.

The review applications are dismissed.

(RITU BAHRI)
JUDGE

(GURVINDER SINGH GILL)
JUDGE

08.04.2022
G Arora