

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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RA-CW-37 of 2021 (O&M)
in CWP-16939 of 2015 (O&M)
Date of Decision:19.12.2023

Ishwar Singh

....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Vikram Singh, Advocate,
for the applicant-petitioner.

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

SURESHWAR THAKUR, J. (Oral)

CM-1934-CWP-2021

i) Vide this application, the applicant-petitioner is seeking permission to place on record order dated 27.01.2021 (Annexure A-1) as passed by the Hon'ble Supreme Court of India.

ii) For the reasons mentioned in the application, the same is allowed and order dated 27.01.2021 passed by the Hon'ble Supreme Court of India is taken on record as Annexure A-1 subject to all just exceptions.

RA-CW-37 of 2021

1. The applicant-petitioner had earlier instituted, thus in respect of the instantly launched acquisition proceedings hence Civil Writ Petition No.16939 of 2015. However, in the writ petition supra, the present applicant-petitioner claimed, the making of a lapsing declaration in terms 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 of 2013). However, through an order made thereons on 17.11.2020, this Court after bearing in mind, the reply to the said writ petition, as filed by the respondent-State, besides applying to the facts as disclosed therein, thus, the mandate of the Hon'ble Supreme Court delivered in a case titled as **Indore Development Authority versus Manoharlal** AIR 2020 SC 1496, thus, concluded that the said provisions are not amenable to become favourably claimed by the applicant-petitioner. Resultantly, on the said date the earlier writ petition became dismissed.

2. The aggrieved land losers concerned filed thereagainst, SLP bearing No.1506 of 2021, before the Hon'ble Apex Court. Through a common order made thereons on 27.01.2021, the Hon'ble Apex Court keeping in view, the fact that the applicant-petitioner's contention, that the applicant-petitioner, has lost possession after the passing of the Award, rather not being taken into account besides keeping in view the fact, that this Court not bearing in mind, the factum of compensation having been paid to the land losers concerned, thereupon liberty was reserved to the

land losers concerned, to file a review petition, before this Court for raising a specific ground in respect of supra.

3. Today, the learned State counsel has filed a detailed status report, wherein there occur candid disclosures, qua not only through *Rapat Roznamcha* bearing No. 324 dated 21.12.2004, thus possession becoming assumed over the acquired lands, besides in the said reply on affidavit, there is a further candid echoing, that the compensation amount as became determined through the relevant Award, also becoming as such tendered in terms of Section 31 of the Land Acquisition Act, 1894, thus on 21.12.2004, for thereby the same becoming claimed by the land losers concerned.

4. The effect of the above, is that, qua thereby cogent evidence becoming adduced by the acquiring authority, thus in complete satisfaction of the relevant parameters, as appertaining to *rapat* possession becoming assumed over the acquired land, rather before the coming into force the Act of 2013 besides qua compensation amount becoming also tendered, before the coming into force the Act of 2013, thus for the same becoming available to become claimed by the land losers concerned.

5. Since a further sequel thereof, is that, the applicant-petitioner's then claim (supra) for the acquired land becoming declared to be released from acquisition, thus on the ground, that the earlier launched acquisition proceedings, under the Act of 1894, becoming declared to become lapsed, rather is a frivolously made contention, and, thus is liable to be rejected.

6. In view of the afore discussion, the present application is dismissed.
7. All pending applications, if any, also stand disposed of.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

December 19, 2023
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Whether speaking : Yes/No

Whether reportable : Yes/No