

CWP-5025-2019

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

CWP-5025-2019

Date of Decision : 14.12.2023.

Jagdish Chander and Others

....Petitioners

VERSUS

State of Haryana & Ors.

....Respondents

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

Present: Mr. Nakul Sharma, Advocate for the petitioners.

Mr. Ankur Mittal, Addl. A.G. Haryana with
Mr. Saurabh Mago, DAG Haryana for respondent Nos. 1 & 3.

Mr. Ankur Mittal, Advocate and
Mr. Kushaldeep K. Man chanda and Shivam Garg, Advocates
For respondent No.2 – HSVP.

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SURESHWAR THAKUR, J. (Oral)

1. The petitioners herein seek making of a declaration that notification dated 03.03.2003 issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as “the Act of 1894”) became succeeded by a declaration Annexure P-2. Annexure P-2 became issued on 02.03.2004 under Section 6 of the Act of 1894. In pursuance to the above, the award bearing No.23 dated 29.12.2005 (Annexure P-3) became passed in respect of the acquired lands. The above is rested on the provisions 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’).

2. For the reasons to be assigned, hereinafter, the writ claims are liable to be dismissed:-

i) that this Court does not deem it fit and appropriate to declare the launched acquisition proceedings to become lapsed by invoking the mandate as engrafted in Section 24(2) of the Act of 2013.

ii) the reasons for making the above conclusion, is based on the evident fact, that the Acquiring Authority has adduced, before this Court thus cogent discharging material, in satisfaction of the duo, of the parameters, enshrined in a judgment rendered by the Hon'ble Apex Court in case titled as "Indore Development Authority Versus Manoharlal and Others']2020(4) R.C.R (Civil) 668, inasmuch as, qua

- (a) Physical possession of acquired lands becoming delivered to the Beneficiary Department concerned through Rapat No.217 Dated 29.12.2005, Adampur and Rapat No.597, Dated 08.08.2006 Fathepur;
- (b) the assessed compensation amount becoming released to the petitioners, as per award statement on 28.05.2014;
- (c) the adduction of the above discharging evidence, whereby satisfaction is meted to the twin parameters (supra), as enshrined, in the verdict supra, as made by the Constitutional Bench of the Hon'ble Apex Court, thus, constrains this Court to conclude that resultantly, the petitioners are not entitled to become endowed with the benefit of Section 24(2) of the Act of 2013. Conspicuously, when events (supra) evidently occurred before the coming into force of the Act of 2013.

3. In view of the above discussion, the present writ petition is dismissed. All the pending applications, if any, also stand disposed of.

(SURESHWAR THAKUR)
JUDGE

December 14, 2023
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(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No