

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**(I) CWP No. 601 of 2006 (O&M)****Reserved on: 01.09.2023****Date of decision: 06.09.2023**

BHOLA RAM & ORS.

-PETITIONERS

V/S

STATE OF HARYANA & ORS.

-RESPONDENTS

(II) CWP-713-2006 (O&M)

SUMITRA DEVI AND ORS.

-PETITIONERS

V/S

STATE OF HARYANA AND ORS.

-RESPONDENTS

(III) CWP-723-2006

YOGESH SINGH AND ORS.

-PETITIONERS

V/S

STATE OF HARYANA AND ORS.

-RESPONDENTS

(IV) CWP-831-2006

MAN SINGH AND OTHERS

-PETITIONERS

V/S

STATE OF HARYANA AND OTHERS

-RESPONDENTS

(V) CWP-1149-2006 (O&M)

AKHIL BHARTIYA BHARGAV SABHA & ORS.

-PETITIONERS

V/S

STATE OF HARYANA & ORS.

-RESPONDENTS

(VI) CWP-17782-2004

RAJINDER KUMAR & ORS.

-PETITIONERS

V/S

STATE OF HARYANA & ORS.

-RESPONDENTS

(VII) CWP-1161-2006

LUXMI DEVI

-PETITIONER

V/S

STATE OF HARYANA & ORS.

-RESPONDENTS

(VIII)CWP-1162-2006

BIMLA DEVI

-PETITIONER

V/S

STATE OF HARYANA & ORS.

-RESPONDENTS

(IX) CWP-1300-2006

CHANDRAWAL & ORS.

-PETITIONERS

V/S

STATE OF HARYANA & ORS.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Jai Vir Yadav, Sr. Advocate assisted by
Mr. Rohit Kumar Rana, Advocate
for the petitioners (in CWP-601-2006).

Mr. M.L. Sarin, Sr. Advocate assisted by
Mr. Ritesh Aggarwal, Advocate
for the petitioners (in CWP-1149-2006).

Mr. Sanjay Mittal, Advocate
for the petitioners (in CWP-831-2006).

Mr. Ajay Ghangas, Advocate for
Mr. Karan Inder Singh, Advocate
for the petitioner (in CWP-1161-2006).

Mr. Akash Mehta, Advocate for
Mr. Munish Gupta, Advocate
for the petitioners No.2 and 3
(in CWP-713-2006 & CWP-1300-2006).

Mr. Arpandeeep Narula, Advocate
for the petitioner (in CWP-1162-2006).

Mr. Jagat Singh, Advocate
for the petitioners (in CWP-723-2006 & CWP-17782-2004).

Mr. Ankur Mittal, Addl. A.G., Haryana with
Mr. Saurabh Mago, DAG, Haryana and
Ms. Kushaldeep K. Manchanda, Advocate

SURESHWAR THAKUR, J.

1. Since all the writ petitions arise from a common notification, and, a common declaration, as became issued respectively under Sections 4 and 6 of the Land Acquisition Act, 1894 (hereinafter referred to as the 'Act of 1894'), and, as became respectively issued on 27.01.2003 and on 23.01.2004. Moreover, since all the writ petitions are covered by common thereto award(s), as became passed by the learned Land Acquisition Collector concerned, in terms of Section 11 of the Act of 1894, therefore, they are amenable for being decided through a common verdict. For brevity, the facts are being extracted from the lead writ petition, i.e. CWP-601-2006.
2. The ground(s), as raised in the writ petition, are that (i) since earlier to the making of the notification (supra), the disputed lands were exempted from acquisition, thereby the extantly issued notification for acquisition, makes palpable emergence qua the launched acquisition proceedings, rather being drawn through colourable exercise of the power of eminent domain, by the respondent(s) concerned: (ii) that the objections filed under Section 5-A of the Act of 1894 were summarily decided and without any adequate opportunity of hearing becoming assigned to the petitioners, therefore the subsequent thereto proceedings, as became launched by the respondent(s) concerned, are vitiated; (iii) that though in terms of the policy decision drawn on 26.06.1991, wherein, a contemplation occurs for not acquiring built up houses and constructed areas, yet the said policy becoming

infringed. Moreover, in making application of the said policy, the respondent-State committing invidious discrimination, inasmuch as, it proceeding to release lands of similarly situated estate-holders concerned.

3. The above made contentions became contested by the respondent concerned, through institution of a reply on affidavit to the writ petition. It is forthcoming from the reply (supra), that the acquisition of the disputed land(s) was made for its development and utilization, thus for residential, commercial, Sector 18, 19 and 20 part, commercial sector 7 part at Rewari. Moreover, in the reply (supra), it has also been spelt that earlier to the extant motion becoming cast before this Court, a CWP No.732 of 2006 became instituted before this Court. Through a decision made thereon, on 17.12.2007, the challenge as made therein, to the notification (supra), became discountenanced. Moreover, it is also revealed in the reply (supra), that the aggrieved from the said decision reared thereagainst SLPs(C) respectively bearing Nos.2550 of 2009, 23397 of 2008, 29193 of 2008, 30810 of 2008, 928 of 2009, 2705 of 2009, 28507 of 2009, 28523 of 2009 and 28533 of 2009, before the Hon'ble Apex Court. However, the Hon'ble Apex Court, through a verdict recorded on 05.09.2014 upon the SLPs(C) (supra), after proceeding to annul the verdict (supra), as became rendered by this Court, remanded the lis to this Court for making an adjudication only in respect of the hereinafter extracted two issues:-

“(1) Whether the lands being acquired from the ownership of the appellants qualify for exemption in terms of the relevant scheme and policy according to which such of the lands as are already used for construction purpose before the issue of the notification under Section 4 of the Land Acquisition Act, 1894, can be exempted.

(2) Whether the acquisition proceedings initiated in terms of the notification dated 27th January, 2003 and declaration dated 23rd January, 2014 have lapsed in terms of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.”

4. Therefore, but obviously this Court is to embark, upon, making a decision, whether the petitioners qualify for theirs becoming entitled to the benefit of the policy (supra), but on the anvil, that the constructions, if any, as occur on the disputed lands, can be exempted from acquisition, thus on the trite evident factum, qua theirs being made thereon but prior to the issuance of notification under Section 4 of the Act of 1894. Furthermore, the petitioners are also required to be establishing, that in terms of the verdict rendered by the Hon’ble Apex Court **“Indore Development Authority v. Manoharlal”, 2020 AIR (Supreme Court) 1496**, they are as such entitled to claim a declaration from this Court, that thereby this Court becoming coaxed to declare the acquisition proceeding, thus launched under the Act of 1894 rather becoming lapsed.

5. In making a determination with respect to the above issues, which are required to be determined afresh by this Court, in pursuance to the remand of the lis being made to this Court, by the Hon’ble Apex Court, it is thus imperative to bear in mind the reply (supra), as becomes furnished to the instant writ petition.

6. In the reply (supra), it is contended that at the time of issuance of notification under Section 4 of the Act of 1894, the acquired lands were completely vacant. Therefore, since in terms of the policy (supra), there was

an imperative necessity of existence of structures on the acquired lands, but prior to the issuance of a notification under Section 4 of the Act of 1894. However, when it is borne out from the reply (supra), that the said structures were not in existence prior to the issuance of notification (supra), therefore when the said parameter, as enshrined in the relevant policy, thus remains not established by the estate-holders concerned, rather becomes belied. In consequence, the benefit of the said policy cannot be assigned to the present petitioners.

7. Though, the learned counsel for the petitioners has depended, upon, Annexure P-8, with speakings therein, that the construction which occurs, on the disputed property, appears to be thus raised thereon, prior to the issuance of the notification under Section 4 of the Act of 1894. Moreover, the learned counsel for the petitioners, to repel the above contention raised in the reply (supra), also relies upon Annexure P-10, which is a letter emanating from the District Town Planner to the Administrator, HUDA, Gurgaon, and, with an information therein, to the addressee, that some construction is raised on the acquired lands. However, though Annexure P-8 makes speakings, that the relevant constructions appear to be made prior to the issuance of the notification under Section 4 of the Act of 1894, but the said speaking by the authority concerned, who drew Annexure P-1, as appertains to the construction(s) appearing to be made on the acquired lands, prior to the issuance of the notification under Section 4 of the Act of 1894, is but obviously not a firm and conclusive opinion, as such, qua the alleged construction, if any, existing on the acquired lands, thus becoming raised thereon, thus prior to the issuance of notification (supra). The best concrete

evidence other than the above nebulous speaking occurring in Annexure P-8, thus became comprised in site visits, becoming made by an authorized officer of the respondent, and, resulting in preparation of a document, but containing therein candid echoings, about the alleged construction existing on the disputed lands but prior to the issuance of the notification under Section 4 of the Act of 1894.

8. However, the said best evidence remains unadduced, and therefore, no credence can be assigned to Annexure P-8, nor thereby the reply (supra) making candid speakings therein, that at the time of the acquisition proceedings becoming launched, the land was vacant, and/or, was free from any encumbrance of any structures raised thereon, is thus contrarily required to be assigned the worthy apt credence.

9. The reliance, as placed upon Annexure P-10, is also an infirm reliance rather for dispelling the worth of the reply (supra), wherein, there is a complete denial about any construction existing on the disputed lands, prior to the issuance of the notification under Section 4 of the Act of 1894. The reason for forming the above inference, emanates from the factum, that the said correspondence, does not make any firm speaking about the construction, if any existing thereon, were as such existing thereons, but prior to the issuance of the notification (supra), whereas, the above speaking therein, was imperative for thus belying the reply (supra) of the respondent concerned. Therefore also, no credence can be assigned to Annexure P-10.

10. Be that as it may, with this Court dispelling the vigour of the above contention raised by the estate-holder concerned, and, rather this Court proceeding to assign credence to the reply (supra) furnished by the respondent

concerned, with speakings therein, that at the relevant time, the acquired land was vacant, thereby but obviously the benefit of the policy (supra) which ordains, that the relevant construction was to be existing on the acquired lands, prior to the issuance of the notification under Section 4 of the Act of 1894, rather cannot become granted to the petitioners.

11. Even otherwise, the further telling effect of the above, is that, when the claim for releases, in terms of Section 48 of the Act of 1894, provisions whereof become extracted hereinafter, are to be laid, and, are to become granted to the estate-holders concerned, only rather prior to assumption for possession of the acquired lands, and/or, prior to termination of the acquisition proceedings, through the making of an award in terms of Section 11 of the Act of 1894.

“48. Completion of acquisition not compulsory, but compensation to be awarded when not completed. - (1)

Except in the case provided for in section 36, the Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

(2) Whenever the Government withdraws from any such acquisition, the Collector shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings there under, and shall pay such amount to the person interested, together with all costs reasonably incurred by him in the prosecution of the proceedings under this Act relating to the said land.

(3) The provision of Part III of this Act shall apply, so far as may be, to the determination of the compensation payable under this section.”

12. Therefore, if for well considered reasons, the objections under Section 5-A of the Act of 1894, as became filed, were rejected, whereafter(s) the award was passed on 20.01.2006. Though may be the order made by the learned Collector concerned, thereby dismissing the objections, as filed under Section 5-A of the Act of 1894, was challenged prior to the making of the award (supra), whereby, though the said challenge can be deemed to be promptly raised. However, irrespective of a prompt challenge being made to the order dismissing the objections (supra), also does not constrain this Court to invalidate either the dismissal order, as made by the learned Collector concerned, upon the objections (supra), nor this Court would proceed to annul the award passed on 20.01.2006. Reiteratedly, for the reason, that the order dismissing the objections (supra) is fully vindicated by the reply (supra) firmest by the respondent concerned, wherein, it becomes exemplified that the objections as filed in terms of the policy (supra), were liable to be dismissed as such, as the imperative condition therein, for the benefit of the said policy becoming assigned to the petitioners, inasmuch as, the construction(s) on the acquired lands, thus evidently existing prior to the issuance of the notification under Section 4 of the Act of 1894, rather remaining not cogently established, nor becoming satiated.

13. Moreover, it is also stated in reply (supra), that the disputed lands are not amenable for being released, or, becoming exempted from acquisition, as they are an integral part of the relevant public purpose, as on their releases becoming ordered by this Court, rather would beget the ill consequence of thereby the planning of the electric substation and group housing (GH-1), thus becoming adversely affected.

14. The argument (supra), as becomes raised before this Court, that the writ lands were not amenable for becoming re-put to acquisition, as earlier thereto, they became exempted from acquisition, and that thereby, the re-putting to acquisition of the acquired lands rather is an abuse of the power of eminent domain, vested in the acquiring authority, rather is also amenable to become rejected. The primary reason for rejecting the above argument, is founded upon the factum, that though in the SLPs (supra), as became raised against the verdict drawn by this Court on 17.12.2007, upon CWP-732-2006, though the Hon'ble Apex Court annulled the verdict (supra) of this Court, but the adjudicable issues, as were remanded to this Court, are only the hereinabove extracted ones, and but obviously, the above issue is not the adjudicable issue by this Court. Necessarily hence this Court does not deem it fit and appropriate to assign any answer to the above raised argument. Contrarily, this Court is, but on the above premise, inclined towards rejecting the above argument.

15. Now insofar as the second issue is concerned, which relates to the application of the lapsing provision, as embodied in 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"), vis-à-vis, the estate-holders concerned, rather would become entitled to the benefit of the lapsing provision (supra), only when cogent evidence emerged in display, that neither Rapat possession of the acquired lands, became assumed by the respondent(s) concerned, nor the determined compensation, thus became tendered, under Section 31 of the Act of 1894, for thereby its becoming available for becoming claimed or released to the estate holders

concerned.

16. However, in the above regard, it is stated in paragraph 14 of the reply (supra), as becomes furnished by the respondent concerned, to the writ petition, that possession of the acquired lands became assumed through Rapat No.353 drawn on 20.01.2006, besides it is also unfolded therein, that the determined compensation amount became tendered in terms of Section 31 of the Act of 1894, for thereby its becoming available for being claimed by the estate-holders concerned. In consequence, when the respondent(s) concerned has proven, that thereby the estate-holders concerned are not entitled to claim the making of a declaration by this Court, that the earlier drawn acquisition proceedings under the Act of 1894, be declared to become lapsed. Therefore, the said relief is declined.

CWP-713-2006 (O&M)

17. The claims raised in the instant petition are similar to those as became ventilated in the lead petition i.e. CWP-601-2006. However, for reasons similar to the ones, as become assigned in CWP-601-2006, thus this Court is constrained to also dismiss the instant petition (supra).

18. Emphatically also, the pointed mentionings which occur in the reply on affidavit, are that the acquired lands, thus are an integral part of the developmental activities, which are to become carried thereons, at the instance of the concerned. Therefore, since there is a dire necessity of retention of the acquired lands, as thereupon the relevant public purpose would become subserved, thereupon since the subserving of public purpose (supra) predominates the subserving(s) of private individual interest. Resultantly the claim for release of the acquired lands is flimsily or pertextually raised, and, is

required to be discountenanced.

19. Moreover, for the other assigned reasons in the lead petition, thus the said reasons supported hence also by tangible evidence, become the ones which also likewise constrain this Court to dismiss the instant writ petition.

20. The leverage of the apposite lapsing mandate as embodied in Section 24(2) of the Act of 2013, also cannot become ably assigned to the petitioners. The reason being that the possession of the acquired lands became evidently assumed through Rapat No.353 drawn on 20.01.2006, besides the determined compensation amount became tendered in terms of Section 31 of the Act of 1894, for thereby its becoming available for being claimed by the estate-holders concerned.

CWP-723-2006

21. The claims raised in the instant petition are similar to those as became ventilated in the lead petition i.e. CWP-601-2006. However, for reasons similar to the ones, as become assigned in CWP-601-2006, thus this Court is constrained to also dismiss the instant petition (supra).

22. Emphatically also, the pointed mentionings which occur in the reply on affidavit, are that the acquired lands, thus are an integral part of the developmental activities, which are to become carried thereons, at the instance of the concerned. Therefore, since there is a dire necessity of retention of the acquired lands, as thereupon the relevant public purpose would become subserved, thereupon since the subserving of public purpose (supra) predominates the subserving(s) of private individual interest. Resultantly the claim for release of the acquired lands is flimsily or percontextually raised, and, is required to be discountenanced.

23. Moreover, for the other assigned reasons in the lead petition, thus the said reasons supported hence also by tangible evidence, become the ones which also likewise constrain this Court to dismiss the instant writ petition.

24. The leverage of the apposite lapsing mandate as embodied in Section 24(2) of the Act of 2013, also cannot become ably assigned to the petitioners. The reason being that the possession of the acquired lands became evidently assumed through Rapat No.352 and 353 drawn on 20.01.2006, besides the determined compensation amount became tendered in terms of Section 31 of the Act of 1894, for thereby its becoming available for being claimed by the estate-holders concerned.

CWP-831-2006

25. The claims raised in the instant petition are similar to those as became ventilated in the lead petition i.e. CWP-601-2006. However, for reasons similar to the ones, as become assigned in CWP-601-2006, thus this Court is constrained to also dismiss the instant petition (supra).

26. Emphatically also, the pointed mentionings which occur in the reply on affidavit, are that the acquired lands, thus are an integral part of the developmental activities, which are to become carried thereons, at the instance of the concerned. Therefore, since there is a dire necessity of retention of the acquired lands, as thereupon the relevant public purpose would become subserved, thereupon since the subserving of public purpose (supra) predominates the subserving(s) of private individual interest. Resultantly the claim for release of the acquired lands is flimsily or pertextually raised, and, is required to be discountenanced.

27. Moreover, for the other assigned reasons in the lead petition, thus

the said reasons supported hence also by tangible evidence, become the ones which also likewise constrain this Court to dismiss the instant writ petition.

28. The leverage of the apposite lapsing mandate as embodied in Section 24(2) of the Act of 2013, also cannot become ably assigned to the petitioners. The reason being that the possession of the acquired lands became evidently assumed through Rapat No.353 drawn on 20.01.2006, besides the determined compensation amount became tendered in terms of Section 31 of the Act of 1894, for thereby its becoming available for being claimed by the estate-holders concerned.

CWP-1149-2006 (O&M)

29. The claims raised in the instant petition are similar to those as became ventilated in the lead petition i.e. CWP-601-2006. However, for reasons similar to the ones, as become assigned in CWP-601-2006, thus this Court is constrained to also dismiss the instant petition (supra).

30. Emphatically also, the pointed mentionings which occur in the reply on affidavit, are that the acquired lands, thus are an integral part of the developmental activities, which are to become carried thereons, at the instance of the concerned. Therefore, since there is a dire necessity of retention of the acquired lands, as thereupon the relevant public purpose would become subserved, thereupon since the subserving of public purpose (supra) predominates the subserving(s) of private individual interest. Resultantly the claim for release of the acquired lands is flimsily or pertextually raised, and, is required to be discountenanced.

31. Moreover, for the other assigned reasons in the lead petition, thus the said reasons supported hence also by tangible evidence, become the ones

which also likewise constrain this Court to dismiss the instant writ petition.

32. The leverage of the apposite lapsing mandate as embodied in Section 24(2) of the Act of 2013, also cannot become ably assigned to the petitioners. The reason being that the possession of the acquired lands became evidently assumed through Rapat No.353 drawn on 20.01.2006, besides the determined compensation amount became tendered in terms of Section 31 of the Act of 1894, for thereby its becoming available for being claimed by the estate-holders concerned.

CWP-17782-2004

33. The claims raised in the instant petition are similar to those as became ventilated in the lead petition i.e. CWP-601-2006. However, for reasons similar to the ones, as become assigned in CWP-601-2006, thus this Court is constrained to also dismiss the instant petition (supra).

34. Emphatically also, the pointed mentionings which occur in the reply on affidavit, are that the acquired lands, thus are an integral part of the developmental activities, which are to become carried thereons, at the instance of the concerned. Therefore, since there is a dire necessity of retention of the acquired lands, as thereupon the relevant public purpose would become subserved, thereupon since the subserving of public purpose (supra) predominates the subserving(s) of private individual interest. Resultantly the claim for release of the acquired lands is flimsily or pertextually raised, and, is required to be discountenanced.

35. Moreover, for the other assigned reasons in the lead petition, thus the said reasons supported hence also by tangible evidence, become the ones which also likewise constrain this Court to dismiss the instant writ petition.

36. The leverage of the apposite lapsing mandate as embodied in Section 24(2) of the Act of 2013, also cannot become ably assigned to the petitioners. The reason being that the possession of the acquired lands became evidently assumed through Rapat No.353 drawn on 20.01.2006, besides the determined compensation amount became tendered in terms of Section 31 of the Act of 1894, for thereby its becoming available for being claimed by the estate-holders concerned.

CWP-1161-2006

37. The claims raised in the instant petition are similar to those as became ventilated in the lead petition i.e. CWP-601-2006. However, for reasons similar to the ones, as become assigned in CWP-601-2006, thus this Court is constrained to also dismiss the instant petition (supra).

38. Emphatically also, the pointed mentionings which occur in the reply on affidavit, are that the acquired lands, thus are an integral part of the developmental activities, which are to become carried thereons, at the instance of the concerned. Therefore, since there is a dire necessity of retention of the acquired lands, as thereupon the relevant public purpose would become subserved, thereupon since the subserving of public purpose (supra) predominates the subserving(s) of private individual interest. Resultantly the claim for release of the acquired lands is flimsily or pertextually raised, and, is required to be discountenanced.

39. Moreover, for the other assigned reasons in the lead petition, thus the said reasons supported hence also by tangible evidence, become the ones which also likewise constrain this Court to dismiss the instant writ petition.

40. The leverage of the apposite lapsing mandate as embodied in

Section 24(2) of the Act of 2013, also cannot become ably assigned to the petitioners. The reason being that the possession of the acquired lands became evidently assumed through Rapat No.345 drawn on 20.01.2006, besides the determined compensation amount became tendered in terms of Section 31 of the Act of 1894, for thereby its becoming available for being claimed by the estate-holders concerned.

CWP-1162-2006

41. The claims raised in the instant petition are similar to those as became ventilated in the lead petition i.e. CWP-601-2006. However, for reasons similar to the ones, as become assigned in CWP-601-2006, thus this Court is constrained to also dismiss the instant petition (supra).

42. Emphatically also, the pointed mentionings which occur in the reply on affidavit, are that the acquired lands, thus are an integral part of the developmental activities, which are to become carried thereons, at the instance of the concerned. Therefore, since there is a dire necessity of retention of the acquired lands, as thereupon the relevant public purpose would become subserved, thereupon since the subserving of public purpose (supra) predominates the subserving(s) of private individual interest. Resultantly the claim for release of the acquired lands is flimsily or pertextually raised, and, is required to be discountenanced.

43. Moreover, for the other assigned reasons in the lead petition, thus the said reasons supported hence also by tangible evidence, become the ones which also likewise constrain this Court to dismiss the instant writ petition.

44. The leverage of the apposite lapsing mandate as embodied in Section 24(2) of the Act of 2013, also cannot become ably assigned to the

petitioners. The reason being that the possession of the acquired lands became evidently assumed through Rapat No.353 drawn on 20.01.2006, besides the determined compensation amount became tendered in terms of Section 31 of the Act of 1894, for thereby its becoming available for being claimed by the estate-holders concerned.

CWP-1300-2006

45. The claims raised in the instant petition are similar to those as became ventilated in the lead petition i.e. CWP-601-2006. However, for reasons similar to the ones, as become assigned in CWP-601-2006, thus this Court is constrained to also dismiss the instant petition (supra).

46. Emphatically also, the pointed mentionings which occur in the reply on affidavit, are that the acquired lands, thus are an integral part of the developmental activities, which are to become carried thereons, at the instance of the concerned. Therefore, since there is a dire necessity of retention of the acquired lands, as thereupon the relevant public purpose would become subserved, thereupon since the subserving of public purpose (supra) predominates the subserving(s) of private individual interest. Resultantly the claim for release of the acquired lands is flimsily or pertextually raised, and, is required to be discountenanced.

47. Moreover, for the other assigned reasons in the lead petition, thus the said reasons supported hence also by tangible evidence, become the ones which also likewise constrain this Court to dismiss the instant writ petition.

48. The leverage of the apposite lapsing mandate as embodied in Section 24(2) of the Act of 2013, also cannot become ably assigned to the petitioners. The reason being that the possession of the acquired lands became

evidently assumed through Rapat No.353, 345 and 370 drawn on 20.01.2006, besides the determined compensation amount became tendered in terms of Section 31 of the Act of 1894, for thereby its becoming available for being claimed by the estate-holders concerned.

FINAL ORDER

49. In consequence, after assigning answers adversarial to the petitioners, upon the hereinabove extracted issue(s), this Court is constrained to dismiss the writ petition(s). Accordingly, the writ petitions are dismissed with costs of Rs.50,000/- each, upon the petitioners in each case, to be forthwith deposited by the petitioners with the 'Himachal Pradesh Aapada Raahat Kosh – 2023' for mitigating the natural disaster in the State concerned.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

06.09.2023
devinder

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