

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

**CWP No. 23588 of 2017 (O & M)**

**Date of Decision: 14.02.2023**

Bhawani Singh and others

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA  
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Keshav Partap Singh, Advocate,  
for the petitioners.

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

**G.S.SANDHAWALIA, J.**

1. Challenge in the present writ petition filed under Articles 226 and 227 of the Constitution of India is to the acquisition proceedings in view of the provisions under Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 (in short 'the 2013 Act'). Resultantly, quashing of notifications dated 14.08.2000 and 13.08.2001 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (in short 'the Act') (Annexures P-2 and P-4, respectively) and the subsequent award No.12 dated 29.05.2002 (Annexure P-6) are subject matter of challenge, details of land which have been given in para No.2 of the writ petition wherein, it has been averred that land measures 74 kanals 2 marlas in village Kalaka, Rewari. Further, prayer has been made for de-notifying and releasing the land in view of the order dated 31.01.2008 (Annexure P-9) passed by the Apex Court.

lapsing issue on the applicability of Section 24(2) of the 2013 Act is that the Constitutional Bench judgment in **Indore Development Authority vs. Manohar Lal and others, AIR 2020 SC 1496** has held otherwise. It has been further clarified that the earlier award No.12 was in respect of the land comprising in khasra No. 19//18 measuring 8 kanals, which was announced on 29.05.2002 (Annexure P-6) and possession was taken on 29.05.2002, which is not disputed by the petitioners themselves. It has been specifically mentioned that the said khasra number was only included in the subsequent notification dated 01.07.2011 (Annexure P-16) issued under Section 4 of the Act and followed up by the notification under Section 6 of the Act dated 26.06.2012 and the subsequent award dated 08.11.2014. The possession has also been stated to be taken on the said date and handed over to HUDA now Haryana Sehri Vikas Pradhikaran (HSVP), the beneficiary department. It has been specifically mentioned that due publication was done in two daily newspapers in the locality as required under law and the said khasra number was never acquired earlier as pleaded. It has been mentioned that the said land affects the site of the public utility zone (Water Works), 24 meters wide internal road and school site (A) as per the layout plan (Annexure R-1).

Reference has been made to the earlier round of litigation in **CWP No. 17965 of 2001, Sardar Singh and others vs. State of Haryana and others** which was dismissed on 20.07.2004 (Annexure P-7) and challenged before the Apex Court on 31.01.2008 (Annexure P-9), consideration of which the petitioners also now seek by way of legal notice dated 30.11.2009. It has been specifically averred that there is only one *kachha* room with RCC frame existing in Khasra No.20//18 and the amount of compensation was assessed at Rs.20,216/- as per the earlier award. It has been also mentioned that the

amount of compensation has been offered but the petitioners have not turned up for receiving the amount knowingly and which is now lying deposited. The land having been acquired for specific public purpose and for development for public utilities, the acquisition is justified.

3. Apparently, a perusal of the pleadings and the record would go on to show that on an earlier occasion, as much as 177 acres of land was sought to be acquired and eventually, the award was passed for only 30.25 acres for the development and utilization of land for Canal Based Water Supply Scheme at Rewari and the land value was fixed at Rs.1,60,000/- per acre at that point of time. The challenge had been raised by the predecessor-in-interest of the petitioners and also by petitioner Nos.1 to 3 out of the 4 petitioners. Eventually, CWP No. 17965 of 2001 was dismissed while rejecting the ground that whether there was feasibility as such for the public purpose of development and utilization of land for Canal Based Water Supply Scheme in view of the factual aspect that there were already some tanks situated in the adjoining fields already constructed for the same purpose. The second argument that the Gram Panchayat had offered alternative land was rejected since the Panchayat, by subsequent resolution, had declined to offer any of its land for acquisition for the said purpose. The right of livelihood and its location was also rejected on the ground that it was acquired for a larger public interest and lastly the claim that full utilization of the acquired land had not been done was rejected on the ground that only partially the purpose had been served and the entire land would be used for the said purpose for the Water Supply Scheme for city Rewari. The allegations of *mala fide* as such were also rejected.

*In Civil Appeal No. 913 of 2008, Sardar Singh and others vs.*

*State of Haryana and others, decided on 31.01.2008*, observations were made that an application could be filed before the State authority that if the purpose of acquisition had been achieved in the meantime and the project had been completed, an appropriate order may be passed.

It is to be noticed that application dated 23.02.2008 (Annexure P-11) was accordingly moved and eventually, the subsequent notification dated 01.07.2011 under Section 4 of the Act has been issued even acquiring the balance land of 8 kanals which had been left out. The same was followed up by Section 6 notification and passing of the award on 08.11.2014 which are not subject matter of challenge also. A perusal of the same would go on to show that it is for the development and utilization of land for residential area of Sectors 20 and 21, Rewari shown in the development plan by the erstwhile HUDA. A larger chunk of 240.46 acres of land in village Kalaka is sought to be acquired in which balance 8 kanals of land was also a subject matter of the acquisition. As noticed, the same is now for planned development and as per the written statement, it comes within the area of a school site and 24 meters wide internal road + public utility zone (Water Works). In the absence of any challenge being raised to the subsequent notifications and in view of the law laid down in *Indore Development's case (supra)*, the prayer for lapsing stands conclusively decided against the petitioners for the land which was acquired earlier and the matter was finalized upto Apex Court.

Regarding the subsequent acquisition of 8 kanals of land, the same is also to be utilized for development, as noticed above, and is not subject matter of challenge and the request as such for the viability and non-viability and release of land under Section 101-A of the 2013 Act also, as

asked by the counsel, would not be a valid point to be raised as it has been specifically defended by the State that the land is to be utilized for a school site and the roads for development of Sectors 20 and 21 for residential area of Rewari town.

Resultantly, no ground is made out for interference under Articles 226 and 227 of the Constitution of India and the present writ petition stands dismissed.

(G.S. SANDHAWALIA)  
JUDGE

14.02.2023  
shivani

(HARPREET KAUR JEEWAN)  
JUDGE

|                           |     |
|---------------------------|-----|
| Whether reasoned/speaking | Yes |
| Whether reportable        | No  |