

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227-I

CWP-4816-2014
Reserved on 12.09.2023
Date of Decision : 29.9.2023

OMKAR ANAND AND ANR

.....Petitioners

VERSUS

STATE OF HARYANA AND ORS

.....Respondents

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

Present : Mr. R.S.Madan, Advocate
for the petitioners.

Mr. Ankur Mittal, Addl. AG, Haryana with
Mr. Saurabh Mago, DAG, Haryana.

Mr. Ankur Mittal, Addl. AG, Haryana with
Ms. Kushaldeep Kaur, Advocate
for the respondent-HSVP.

KULDEEP TIWARI. J.

1. The petitioners have made a challenge to the Land Acquisition Notification dated 18.10.2002 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as '**the Act of 1894**') and followed by the declaration issued under Section 6 of the Act on dated 8.9.2003 (Annexure P-2) and also the award dated 5.9.2005 (Annexure P-4) on the ground that the acquisition has lapsed in view of 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**'). It is also pleaded by the petitioners that the respondent-Department has failed to circulate

the public notice in terms of Section 9 of the Act of 1894.

2. The matter was heard at length.

3. Learned counsel for the petitioners has submitted his oral as well as written submissions. It has been submitted by the learned counsel for the petitioners that the petitioners have bonafidely pursued their remedy for releasing of their land which was duly allowed by this Court in view of the prevailing law and did not, therefore, file any application under Section 28A of the Act of 1894 for seeking enhancement of the award. He has further submitted that the award of the acquired land was made @ ₹12,50,000/- per acre and the additional award with regard to the acquired land was announced on dated 3.6.2015 i.e. after filing of the instant writ petition whereby, the award was enhanced with 100% solatium, multiplier factor and increase in the market value.

3. In view of the above facts and considering the law laid down by the Hon'ble Supreme Court in the case of **Indore Development Authority Vs. Manohar Lal and others, AIR 2020 SC 1496**, the learned counsel for the petitioners has confined his prayer only with regard to seeking permission to file an application under Section 28A of the Act of 1894, and also sought mandamus upon the learned Collector concerned, to exclude the period from the date of filing of the instant writ petition till the disposal thereof, for the purpose of computation of limitation in considering the application under Section 28A of the Act of 1894.

4. In view of the above innocuous and limited prayer made by the learned counsel for the petitioners, the present writ petition is, hereby,

disposed of with a direction to the authority concerned, that in case any application under Section 28A of the Act of 1894, has been filed by the petitioners alongwith an application for condonation of delay under the appropriate provisions of law, the same shall be considered in accordance with the law.

5. All the pending applications, if any, stand disposed of.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

29.9.2023

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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No