

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

CWP-26165-2022

Date of Decision: 24.01.2023

Ram Chander Yadav

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

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

Present: Mr. Randhir Singh, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (ORAL)

The present petition has been filed under Article 226/227 of the Constitution of India for restoration of the land in question which was acquired from the grand-father of the petitioner. Reliance is placed upon Para 493, Chapter XIV of the Haryana Land Administration Manual.

A perusal of the pleadings would go on to show that a notification was issued under Section 4 of the Land Acquisition Act, 1894 (for short Act of 1894) on 23.03.1971, wherein 04 '*kanals*' and 1 '*marla*' of land sought to be required out of 08 '*kanal*' and 05 '*marla*' for development of '*Mandi*', including Township namely Kosli at Bhakli, *Hadbast* No. 165, Tehsil Jhajjar, District Rohtak (now District Rewari). Section 4 of the notification was published on 19.09.1972 (Annexure P-2) and the Award was announced on 09.10.1973. It is the case of the petitioner that the land has not been utilized and is situated across the road from the said '*Mandi*' and Township Kosli and lying abandoned for the last 48 years.

In such circumstances, the petitioner seeks for issuance of a writ in the nature of '*mandamus*'.

We are of the considered opinion that the facts and circumstance of the case would go on to show that the land has been vested with the State Government after passing an Award under the old Act and therefore, the prayer as such to restore the land in question would mitigate against the law laid down by the Apex Court in **Leela Vanti and others** vs. **State of Haryana and others**, (2012) 1 SCC 66, wherein Para No. 493 of the Land Administration Manual and Standing Order No.28 was referred to. It was also noticed that apart from the gap of five decades between the issuance of the notifications in the year 1972 and the filing of the writ petition in 2022 would also invoke a doctrine of laches for negating the challenge to the acquisition of land. Accordingly, it was held that the State cannot be debarred from using the acquired land for any other public purpose and such an interpretation would be contrary to the language of Section 16 of the Act. Relevant portion of Leela Vanti's case (Supra) reads as under:-

“16. A reading of the above reproduced Paragraph of the Land Administration Manual nowhere suggests that the State Government is duty-bound to restore the acquired land to the owners after the purpose of acquisition is accomplished. It merely mentions that as a matter of grace the Government is usually willing to restore agricultural and pastoral land to the owners on their refunding the amount of compensation. If Paragraph 493 is read in the manner suggested by the learned counsel for the appellants then in all the cases the acquired land will have to be returned to the owners

irrespective of the time gap between the date of acquisition and the date on which the purpose of acquisition specified in Section 4 is achieved and the Government will not be free to use the acquired land for any other public purpose. Such an interpretation would also be contrary to the language of Section 16 of the Act, in terms of which the acquired land vests in the State Government free from all encumbrances and the law laid down by this Court that lands acquired for a particular public purpose can be utilised for any other public purpose.”

Keeping in view the above, we are of the considered opinion that a writ of 'mandamus' at this stage is not liable to be issued, in view of the settled position of law.

The petition is consequently, dismissed.

(G.S. SANDHAWALIA)
JUDGE

January 24, 2023
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether Reportable	No