

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-2600-2022 (O&M)
Reserved on: 26.02.2024
Date of Decision : March 06, 2024

BEER SINGH YADAV AND OTHERS

...Petitioners

V/S

THE STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE LALIT BATRA

Present : Mr. Shailendra Jain, Senior Advocate with
Ms. Navneet Kaur, Advocate
for the petitioners.

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

SURESHWAR THAKUR, J.

1. Through the instant writ petition, the petitioners pray for the making of a *mandamus*, upon the respondents concerned, to release the respective residential houses of the petitioners, as comprised in Khasra No.365 (0B-8 Biswas), situated in the revenue estate of village Nathupur, Tehsil and District Gurgaon (now Gurugram).
2. The notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as “the Act of 1894”), became issued on 03.10.2006 (Annexure P-28), and, the said notification became succeeded by a declaration made on 01.10.2007 (Annexure P-29), under Section 6 of the

Act (supra), and subsequently an award dated 30.09.2009 (Annexure P-32), became passed under Section 11 of the Act of 1894.

3. The notifications (supra), became issued for the development of residential, commercial and institutional area of Sectors 24 and 25 at Gurgaon. It is evidently surfaces, on a reading of the reply on affidavit furnished to the instant writ petition by the respondents concerned, that through rapat possession No.93 of 30.09.2009, thus possession became assumed over the disputed lands by the acquiring authority concerned. Moreover, it has also been stated in the said reply, that the compensation amount as became assessed at Rs.39,87,31,014/-, thus in respect of the acquired lands, hence is lying deposited in the Reference Court vide cheque No.461905 dated 16.05.2014 for being disbursed to the land-losers concerned, thereby, the present petitioners cannot claim the making of a lapsing declaration rather in terms of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013.

4. At the outset, the instant writ petition is also hit by the bar of delay and laches, as pointedly arousable from the factum, that despite the acquisitions being launched in the year 2006, yet much belatedly therefrom thus in the year 2022, the instant petition becoming instituted before this Court. Therefore, since this Court in taking the view that the instant writ petition is hit by the bar of delay and laches, thus, finds support from the judgments rendered by the Hon'ble Apex Court in cases titled as "*Star Wire (India) Ltd. V. State of Haryana*" reported in (1996) 11 SCC 698,

"Municipal Council Ahmednagar V. Shah Hyder Beig" reported in (2002)

2 SCC 48 and “C. Padma V. Dr. Secretary to the Government of Tamil Nadu” reported in (1997) 2 SCC 627, thereby this Court is fortifyingly led to make an inference that the instant petition is imbued with entrenched vices of delay and laches, and, thereby it requires becoming dismissed.

5. Be that as it may, the petitioners are admittedly tenants over the acquired lands, though thereby the petitioners became “persons interested” to receive compensation, yet other than the land-owners, who could thus claim the making of a declaration that the acquired lands be released from acquisition, rather the petitioners, through their holding only tenancy rights over the acquired lands, thus cannot claim any relief that the acquired lands/estates be released from acquisition.

6. However, it appears that the present petitioners, though could through, the aegis of Land Acquisition Collector concerned, file a petition under Section 30 of the Act of 1894, before the learned Reference Court concerned, for thereby their claiming their entitlement, to compensation thus on anvil of their being “persons interested” in the compensation amount as became determined in the award, as, became passed by the Land Acquisition Collector. However, the above only permissible remedy available to the present petitioners rather remains not resorted by them, whereas, it was the only remedy available to become adopted by the present petitioners. The consequential effect thereof, is that, the petitioners are deemed to thus, waive their entitlement to receive compensation, as became determined.

7. In aftermath, this Court finds no merit in the instant petition, and, is constrained to dismiss the same. Hence, the instant petition is dismissed.

8. Pending miscellaneous application(s), if any, stand(s), disposed of.

(SURESHWAR THAKUR)
JUDGE

06.03.2024

(LALIT BATRA)
JUDGE

Ithlesh	Whether speaking/reasoned:-	Yes/No
	Whether reportable:	Yes/No