

2024:PHHC:091120-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106)

CWP-3062-2019

Decided on: 19.07.2024

Sudha Sharma & others

.....Petitioner (s)

Versus

State of Haryana & others

....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA**

Present: None for the petitioner (s).

Mr.Ankur Mittal, Addl.A.G., Haryana
Mr.Saurabh Mago, DAG, Haryana.

G.S. Sandhawalia, J. (Oral) :

1. Challenge in the present writ petition, filed under Article 226/227 of the Constitution of India, at the belated stage after 15 years, is to the acquisition proceedings which were initiated way-back in 2001 vide notification dated 16.08.2001 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (for short, the 'Act') and the subsequent notification dated 14.08.2002 (Annexure P-5) issued under Section 6 of the Act and the award dated 26.02.2004 (Annexure P-5).

2. Challenge has also been raised to the order dated 24.09.2018 (Annexure P-14) passed by the Administrator, HSVP-cum-ADUE, Haryana, Panchkula whereby in pursuance of the directions issued by the Co-ordinate Bench that the matter be re-looked into since at that point of time, the claim was that respondents had not taken possession of the acquired land and the proceedings had lapsed. The said speaking order passed is now subject matter of challenge.

3. A perusal of the reply filed by respondents No.1 to 3 would go on to show that petitioner No.1 did not file any objection under Section 5A of the Act and the mother of petitioners No.2 & 3 had filed objections.

The land in question is situated in the revenue estate of Gobindpura and at

present Colony Ravi Nagar, Gobindpura, is falling within the Municipal limits of Jagadhri which was acquired for the purpose of development and utilization of land as residential, commercial area for Section 18 Part-II, Jagadhri and was lying vacant at the time of issuance of Section 4 notification. Symbolic possession had been taken vide Rapat no.911 dated 26.02.2004 which is a valid mode of possession and once possession is taken, the land vests absolutely in the State as per the provisions of Section 16. Apparently, compensation to the tune of Rs.11,09,64,256/- has been disbursed and in the case of the petitioners, compensation amount of Rs.1,48,816/- has not been picked up by them. Thus, they are at liberty to receive the same and tendering of compensation amount is sufficient to fulfill the obligation of the State and the belated challenge being raised to the acquisition proceedings is not liable to be entertained, keeping in view the law laid down by the Apex Court in **Indore Development Authority Vs. Manoharlal & others, AIR 2020 SC 1496**.

4. It is also pertinent to mention that counsel for the petitioners did not put in appearance on the last date of hearing and today also, position is the same.

5. Accordingly, in view of the above discussion, the present writ petition is dismissed with the aforesaid liberty.

(G.S. SANDHAWALIA)
JUDGE

19.07.2024
Sailesh

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No