

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

CWP No.3112 of 2024

Date of Decision: 22.02.2024

Tara Chand

....Petitioner

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Nischal Chetanya Manchanda, Advocate
for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana
Mr. P.P.Chahar, Senior Deputy Advocate General, Haryana and
Mr. Saurabh Mago, Deputy Advocate General, Haryana.

Mr. Ankur Mittal, Advocate with
Ms. Kushaldeep Kaur Manchanda, Advocate and
Mr. Shivam Garg, Advocate
for respondent – HSVP.

Sureshwar Thakur, J.(Oral)

1. The present petitioner seeks quashing of notice for acquisition as became issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter in short referred to the Act of 1984), besides he also seeks quashing of the declaration issued under Section 6 of the Act (supra). Moreover, he also seeks quashing of the Award made in pursuance thereof. The said notification, declaration and the award became respectively made on 07.02.2008 (Annexure P-6), on 06.02.2009 (Annexure P-8) and on 04.02.2011

(Annexure P-18). Since the instant writ petition is belatedly instituted therefrom in as much as, in the year 2024, thereby on the above ground of a belated motion being made before this Court, thereby the instant writ petition is stained with vices of gross delays and laches and as such, at the outset, it is required to be dismissed.

2. Learned counsel for the petitioner has however, argued that the lapsing declaration be made in terms of under Section 24 (2) of the Land Acquisition Act 2013 (hereinafter in short referred to the Act of 2013). However, the above asked for relief, cannot be granted to the writ petitioner, as on the reading of the status report, presented today before this Court by the learned Additional Advocate General, it is manifestated that through rapat bearing No.574 of 04.02.2011, thus, rapat position became assumed over the acquired land. It is also manifestative from the reading of the signed synopsis, that the award became pronounced by the Land Acquisition Collector concerned, on 04.02.2011, and it is further stated today at the bar by the learned Additional Advocate General, that the compensation amount as became determined thereunder, thus in the quickest spontaneity thereof, becoming deposited for therebys its becoming available for disbursement to the land losers concerned.

3. If that be so, thereby, since the above constitutes adduction of able discharging evidence in respect of the above requisite parameters as spelt by the Hon'ble Apex Court in a judgment rendered in **Indore Development Authority Vs. Manohar Lal and others, AIR 2020 SC 1496**, thereby, the

present petitioner is not entitled to a lapsing declaration, in terms of Section 24(2) of the Act of 2013, thus becoming recorded in his favour by this Court.

4. Learned counsel for the petitioner has further argued, that though the lands which were subjected to acquisition, were also, at the stage prior to the issuance of notification under Section 4 of the Act of 1894, rather carrying some constructions thereon. Therefore, he submits that since in respect of other land losers concerned, who had raised constructions, on their respective acquired estates, prior to the issuance of a notification under Section 4 of the Act of 1894, rather the respondent-State proceeded to order for release of such made constructions. Therefore, he submits that the present petitioner is entitled to claim parity with such land losers concerned. However, a perusal of the status report reveals, that at the time of issuance of a notification under Section 4 of the Act of 1894, the acquired land was vacant and as such there were, but obviously no constructions, on the acquired land, at the stage (supra). Resultantly, if the relevant policy qua releases being made were applicable only those constructions which became so raised on the acquired land rather at a stage, prior to the issuance of a notification under Section 4 of the Act of 1894, whereas, in the instant case rather constructions, which became made on the acquired lands were so made but post the issuance of a notification under Section 4 of the Act of 1894, thereby, the releases as claimed in respect thereof are not amenable to be made qua the present petitioner, as they remained uncovered by the relevant policy.

5. Be that as it may, on the issuance of a notification under Section 4 of the Act of 1894, there is complete investment of right title and interest over the acquired land in the acquiring authority, and a complete divestment of right title and interest thereover, in the land losers concerned. Resultantly, if any construction was made over the acquired vacant land, post the issuance of the acquisition notification, thereby the said construction is deemed to be unauthorized.
6. In the nutshell, after finding no merits, the petition is dismissed.
7. Pending applications, if any, also stand disposed of.

(SURESHWAR THAKUR)
JUDGE

22.02.2024
Varinder Prashad

(LALIT BATRA)
JUDGE

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