**CWP-11852-2004 (O&M) and connected cases**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH  
102****Date of decision: 16.07.2024****CWP-11852-2004 (O&M)**

RANBIR SINGH AND OTHERS

**.....PETITIONERS**

V/S

STATE OF HARYANA AND OTHERS

**.....RESPONDENTS****CWP-11853-2004 (O&M)**

YOGESH KUMAR AND OTHERS

**.....PETITIONERS**

V/S

STATE OF HARYANA AND OTHERS

**.....RESPONDENTS****CWP-11899-2004 (O&M)**

HIRA LAL

**.....PETITIONER**

V/S

STATE OF HARYANA AND OTHERS

**.....RESPONDENTS****CWP-13136-2004 (O&M)**

DR. RAJ KRISHAN AND OTHERS

**.....PETITIONERS**

V/S

STATE OF HARYANA AND OTHERS

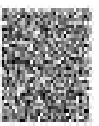
**.....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA  
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Mr. Rajinder Goel, Advocate,  
for the petitioner(s)  
in CWP Nos. 11852, 11853 and 13136 of 2004.

Mr. Sunil Panwar, Advocate,  
and Mr. Dhruv Singh, Advocate,  
for the petitioner in CWP No. 11899 of 2004.

Mr. Amit Jain, Advocate,  
for petitioners No. 1 and 4 in CWP No. 11852 of 2004.

Mr. Keshav Pratap Singh, Advocate,  
and Mr. Rajat Singh, Advocate,  
for petitioner No. 5 in CWP No. 11852 of 2004.

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

Mr. Ashish Gupta, Advocate,  
for respondent No. 4 in CWP No. 11899 of 2004.

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**RITU TAGORE, J.**

1. This order shall dispose of Civil Writ Petition Nos. 11852, 11853, 11899 and 13136 of 2004 as they relate to same acquisition proceedings and issues involved therein are the same. Learned counsel for the parties have agreed and consented for disposal of these writ petitions by a common judgment. The relevant facts for disposal of these writs petitions are being extracted from CWP No. 11852 of 2004 which may be briefly noticed.
2. Petitioners have approached this Court for quashing of notification dated 24.12.2002 issued under Section 4 (Annexure P-3) and notification dated 22.12.2003 issued under Section 6 (Annexure P-5) of the Land Acquisition Act, 1894 (hereinafter referred to as '1894 Act').
3. Challenging the notifications, learned counsel for the petitioners made common submissions that respondent No. 1-State of Haryana, had previously issued notifications dated 17.11.1982 under Section 4 and dated 10.12.1984 under Section 6 of the 1894 Act, for acquiring the land for the public purpose, namely, development and utilization of land for residential, commercial and industrial area, Sector-15, Part-1, Pocket at Gurgaon. The affected persons approached this Court, challenging the notifications on grounds of non payment/deposit of compensation amount as envisaged under Section 31 of the 1894 Act; existence of residential houses being part of Kirti Nagar, a fully developed colony, prior to the notification under section 4 of the 1894 Act and the release of their properties based on the policy of the Government to exempt the constructed buildings from acquisition. It is stated that a batch of writ petitions was allowed vide judgment

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dated 26.05.1988 (Annexure P-1) bearing writ petition CWP No. 5968 of 1986 titled as Mohinder Singh Sharma and others vs. State of Haryana and others, and notifications were quashed observing non-compliance of provisions of Section 31 of the 1894 Act, existence of constructed houses on the acquired land prior to the notification under section 4 of the 1894 Act and further possession of the acquired land could not be assumed by the Government. Another CWP No. 1877 of 1987 (filed by petitioners of CWP No 11852 of 2004) was also decided based on the judgment passed in CWP No. 5968 of 1986.

4. It is further submitted that the judgment rendered in CWP No. 5968 of 1986 was not challenged and attained finality. However, after lapse of 20 years from the date of issuance of earlier notifications and after 14 years from the date of decision rendered by this Court in CWP No. 5968 of 1986 (Annexure P-1), quashing the notifications dated 17.11.1982 and 10.12.1984, the State Government (respondent No. 1), without any valid justification and substantial change in the nature of the acquired land and further employing a policy of discrimination, has again issued impugned notifications dated 24.12.2002 (Annexure P-3) and 22.12.2003 (Annexure P-5) of the 1894 Act for the same public purpose namely, development and utilization of the land for residential and commercial area, Sector-15, Part-1, Pocket, Gurgaon. This despite the fact that the land under acquisition has already been developed for residential and commercial purposes, evidenced by the substantial growth of residential and commercial establishments in the area. It is stated that since the matter has been conclusively determined in previous round of litigation, on this score, the respondents should not be permitted to re-agitate the matter.

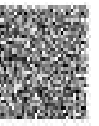
5. The submissions are raised that the area proposed for acquisition has already been fully developed and is a part of Kirti Nagar, Gurgaon, a fully

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developed colony within the municipal limits of Gurgaon and as per the State policy, the constructed areas are to be exempted from acquisition and should not be acquired. It is stated that petitioners are residing therein with their families and doing their business. Most of the houses of the petitioners are of 'A' Class construction, as detailed in the petitions and objections under Section 5-A of the 1894 Act were filed. The annexed photographs and site plan, indicates the existence of constructed houses/shops, road and other developments on the acquired land etc, with all the necessary amenities like water, electricity, sewerage available and provided by the Municipal Committee. Further, while allowing CWP No. 5968 of 1986 vide judgment dated 26.05.1988 (Annexure P-1), this Court found as a fact the existence of *pucca* construction already raised over the acquired land prior to the notification under Section 4 of the 1894 Act i.e. 17.11.1982. It is urged that the alleged purpose, for which impugned notifications have been issued, has already been achieved by the petitioners by constructing their residential and commercial buildings. The entire area has been fully developed and there is no scope for further development by HUDA.

6. It is stated that based on the policy of the Government to exempt the constructed area, the State did not acquire a part of Kirti Nagar; whereas the lands/property of the petitioners, which are also situated in Kirti Nagar, Gurgaon, is sought to be acquired for extraneous reasons and considerations. It is stated that petitioners are victim of unfair practice and policies of the Government whereby properties of selected persons have been released from acquisition while refusing the requests of the petitioners.

7. The notifications have also been assailed, for non-compliance of due procedure mandated under the statute before issuance of these notifications and failure to provide due hearing to the petitioners on their objections submitted

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under Section 5-A of the 1894 Act as detailed therein It is stated that without considering the judgment passed by this Court (Annexure P-1), the objections filed by the petitioners and reports submitted by the Land Acquisition Collector and Joint Site Inspection Committee (hereinafter referred to as 'JSIC'), recommending release of the land of the petitioners from the notified land, the State Government, in arbitrary manner, issued a notification dated 22.12.2003 under Section 6 of the 1894 Act. Stating that the entire process of impugned notifications is wholly discriminatory, unconstitutional and misuse of process of law by the respondents, these are required to be quashed.

8. On the other hand, learned State counsel contends that notifications (Annexures P-3 and P-5) for acquisition of land, have been issued by the Government for the development and utilization of residential and commercial area, Sector-15, Part-1, Pocket at Gurgaon under Haryana Development Authority Act, 1977 by HUDA. Due procedure as mandated by law was adopted and complied with before issuing the notifications under section 4 and 6 of the 1894 Act and entire acquisition proceedings were carried out in accordance with the provisions of law. Full opportunity of personal hearing on the objections filed under Section 5-A of the 1894 Act, was given to all the petitioners by the designated authority and report was sent to the Government for taking action into the matter.

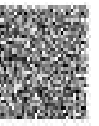
9. Learned State counsel contends that it is settled position of law that State Government has absolute right to acquire the land for public purpose and there is no bar that constructed area cannot be acquired or has to be exempted from acquisition. It is stated that constructed houses/shops of petitioners, as detailed in the replies, exist on the notified land but same are illegal and unauthorized. The petitioners cannot claim their right to seek exemption of

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construction from the acquisition in view of several judicial decisions. The State counsel refuted the allegation of committing any discrimination with petitioners or any land was released, unfairly.

10. It is stated that due compensation was awarded for the acquired land and same was remitted to LAC Gurgaon. While referring to the brief note prepared, learned State counsel submits that petitioners in CWP No. 11852 of 2004 have received the payment of their acquired land. ₹1,04,06,577/- vide draft No. 029734 dated 08.06.2004 has been remitted to the LAC Gurgaon and ₹7,45,825/- have been paid to all the petitioners with balance payment of ₹96,60,752/- lying in CCF HSVP account. In CWP No. 11853 of 2004, ₹7,45,825/- have been shown to be paid with balance payment of ₹96,60,752/- lying in the CCF HSVP account. In CWP No. 11899 of 2004, ₹7,45,825/- have been shown to be paid with balance payment of ₹96,60,752/- lying in the CCF HSVP account and in CWP No. 13136 of 2004, and ₹7,45,825/- have been shown to be paid with balance payment of ₹96,60,752/- lying in the CCF HSVP account.

11. Learned counsel further submits that recommendations of Land Acquisition Collector and JSIC for releasing the constructed area, are not binding on the Government. The State Government took a conscious decision of not releasing any land of the petitioners keeping in view the overall effect on the development plan. It is stated that the process of acquisition has been fair and constitutional. The award was passed on 20.04.2005 and Rapat No. 441 dated 20.04.2005 regarding handing over possession to the beneficiary department was entered. The petitioners have no right in the acquired land, which vest in the Government. Stating that petitions have no merit, counsel for the State prayed for the dismissal of the writ petitions.

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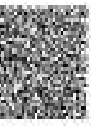
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12. We have heard learned counsel for the parties and with their able assistance, have gone through the records, the documents appended and the brief synopsis given by the counsel for the parties for assistance.

13. Incontrovertibly, through notifications dated 17.11.1982 and 10.12.1984, the State Government, had earlier proposed to acquire the land (measuring 272.50 acres as mentioned in CWP No. 11853 of 2004), including that belonging to some of the present petitioners and the vendors of other petitioners, for the purpose of development and utilization for residential and commercial area, Sector 15, Part-I, Gurgaon. Further, as explicit from the record, the affected persons including some of the present petitioners, aggrieved by the said notifications issued by the Government, filed writ petitions in this Court on several pleas including that 'A' Class construction of their houses had already been raised on the part of the acquired land and the area had been fully developed. Therefore, their houses should be exempted from the acquisition, as it would be contrary to the policy of the Government, which provides for exemption of the constructed area.

14. It is evident from the pleadings and documents relied by the parties that several petitions challenging the notifications dated 17.11.1982 and 10.12.1984 were decided in CWP No. 5968 of 1986 titled as "Mohinder Singh Sharma and others vs. State of Haryana and others" and another petition No. 1877 of 1987 (filed by present petitioners Ranbir Singh etc. in CWP No. 11852 of 2004) was also decided based on the ruling in Mohinder Singh Sharma's case (supra) and the notifications were quashed.

15. These facts, as narrated above, have not been disputed by the respondents. It would be profitable to extract the relevant observations made in CWP No. 5968 of 1986 and are reproduced herein:-



“6. At the time of the motion hearing, the dispossession of the petitioners from the land acquired was stayed. The respondents never challenged the said order or made any application for setting aside the same on the ground that the possession of the land had already been taken. According to the return, the possession thereof was taken on September 21, 1986. No documentary evidence has been produced to show that the possession was taken on that date as the award itself was given on that date. Thus, on the facts and circumstances of the case, it could not be held that the possession of the land acquired had been taken by the respondents then and, therefore, the land acquired had vested in the State Government.

It is not disputed that according to the Government policy, the land over which the persons have raised construction was not to be acquired. The petitioners have specifically pleaded that they have raised construction over the land acquired prior to the notification under section 4 of the Act. Rather, it has been stated in paragraph 2 of the writ petition that the petitioners raised pucca houses thereon in the year 1978. Now the petitioners along with their respective families are living in these houses. In the return filed on behalf of the respondents, in paragraph 2, it is stated that there was no pucca house in the land at the time of the issuance of notification under section 4, on November 17, 1982, and if any construction has been made after that, it was illegal and unauthorized. Moreover, it has been denied for want of knowledge whether the families of the petitioners are residing therein or not. Apart from that, the petitioners filed objections under Section 5-A of the Act wherein was pleaded the land of Kirti Nagar be exempted from acquisition and in fact on the recommendations of the Land Acquisition Collector, the land of Kirti Nagar was exempted because of the constructions of the house thereon. Since the petitioners have also raised construction on the land acquired, it was also liable



to be exempted. In the return filed on behalf of the respondents, it was admitted that the Government has taken a policy decision that all built up area existing at the time of issuance of notification under Section 4 of the Act be left out of acquisition. However, according to the return, the petitioners were not having any house on the land, in dispute, on November 17, 1982. Though it may be a disputed question of fact, but from the facts and circumstances of the case, it is clear that the petitioners had raised construction over the land acquired prior to the notification under section 4 of the Act.

7. Section 31 of the Act, so far as it is relevant for the purposes of these petitions, reads as under:-

“31. Payment of compensation or deposit of same in Court.- (1) On making an award under Section 11, the Collector shall tender payment of the compensation awarded by him to the persons interested entitled thereto according to the award, and shall pay it to them unless prevented by some one or more of the contingencies mentioned in the next sub-section.

(2) If they shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of the compensation in the Court to which a reference under Section 18 would be submitted.”

From the affidavit dated February 10, 1988, filed in this Court, it is quite evident that the said amount was not deposited either in the R.D. or with the District Judge. That being so, the award dated September 21, 1986 was not a valid award as regards the petitioners.

8. XXX XXX XXX

9. In these circumstances, all the writ petitions succeed and are allowed. The impugned notifications

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by which the land of the petitioners has been acquired and over which they have already raised construction prior to the issuance of the notification under section 4 of the Act, stand quashed to that extent. There will be no order as to costs.”

16. A perusal of the observations made in the aforesaid judgment, it is pellucid that the residential houses had been constructed over the acquired land even prior to the notification under Section 4 of the 1894 Act I.e 17.11.1982. Even the respondents, in the earlier petition, in their response had admitted the construction over the land prior to notification. Further, it is not the case of the respondents that the decisions in CWP 5968 of 1986 and CWP 1877 of 1987 were ever challenged by them. This, necessarily affirms the petitioners’ assertions that aforementioned decisions, attained finality.

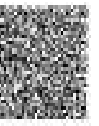
17. Undeniably, after about 20 years from the date of issuance of first notification dated 17.11.1982 under Section 4 of 1894 Act and about 14 years from the decision rendered in CWP No. 5968 of 1986, the Government has again issued notifications (Annexure P-3 and P-5) for acquiring the land for the same purpose i.e. development and utilization of land for residential and commercial purposes. The respondents, in their response, have failed to refute the fact of large scale construction of the houses/shops on the acquired land. Rather, in their respective returns, they have admitted the construction raised by the petitioners respectively.

18. CWP No. 11852 of 2004, has been filed by five petitioners. In their objections filed under Section 5-A of the 1894 Act, it is pleaded that petitioners are co-owners in total land measuring 7 kanal and 13 marla and have 1/10th share each, having constructed their houses on the land, and the State has issued

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notification regarding 2 kanal 8 marla out of the total land. In para No. 3 of the preliminary submissions of the written statement filed on behalf of respondent No. 1, it is mentioned that a kothi measuring 44' x 50' of 'A' Class construction, existed in Khasra No. 21//6/1/1 prior to relevant time. A kothi measuring 20' x 40' of 'A' Class construction existed in Khasra No. 22//7/1, prior to relevant time.

19. CWP No. 11853 of 2004, there are six petitioners. In para No. 2 of the preliminary submissions of the written statement filed on behalf of respondent No. 1, it is mentioned that petitioner No. 1 constructed double storey house consisting kitchen measuring 6' x 6', varanda measuring 15' x 8', Chowk measuring 5' x 15', room measuring 10' x 12', room measuring 15' x 10', latrine measuring 4' x 6' and two rooms measuring 10' x 13' each and varanda measuring 10' x 10' were constructed on the first floor, petitioner No. 2 has constructed three rooms measuring 10' x 10' each, latrine and bathroom measuring 10' x 6' and a boundary wall, petitioner No. 3 has constructed a house consisting a room measuring 10' x 15', kitchen measuring 5' x 8', latrine and bathroom measuring 10' x 6', two rooms measuring 12' x 11' each, a room measuring 10' x 15', a room measuring 12' x 15', bathroom measuring 7' x 6', kitchen measuring 7' x 6' and varanda measuring 10' x 15', petitioner No. 4 along with Kashardev has constructed a house consisting latrine and bathroom measuring 5' x 10', varanda measuring 10' x 10', room measuring 10' x 10', room measuring 10' x 9', room measuring 15' x 10', kitchen measuring 8' x 8', varanda measuring 7' x 8', chowk measuring 15' x 8 and gallery measuring 5' x 20', petitioner No. 5 has constructed double storey house consisting varanda measuring 8' x 20', three rooms measuring 10' x 12', 10' x 12' and 10' x 10' respectively, kitchen measuring 10' x 8', two halls measuring 15' x 12' each and the same size constructions have been raised on first floor and petitioner No. 6 has constructed double storey house

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consisting varanda measuring 15' x 9, four rooms measuring 11' x 15', 10' x 8', 10' x 8', 10' x 15' respectively, latrine measuring 5' x 5' and the first floor consisted the constructions, a room, varanda cum a kitchen measuring 10' x 15' and 9' x 15' respectively, rooms measuring 10' x 10', shed measuring 8' x 10'.

20. In CWP No. 11899 of 2004, there is one petitioner. He in his objections under 5-A of the 1894 Act, pleaded his ownership and possession of a residential house, measuring 05 marlas as reflected in the site plan. It is mentioned in para No. 5 of the preliminary submissions of the written statement filed on behalf of respondent No. 1 admitted that a double storey house consisting two rooms measuring 10' x 25' and 10' x 10, Varanda basement measuring 10' x 15, room measuring 10' x 10, kitchen 8' x 7', room 10' x 15, latrine and bathroom measuring 5' x 7' and a varanda measuring 15' x 8' were constructed.

21. In CWP No. 13136 of 2004, there are five petitioners. It is mentioned in para No. 5 of the preliminary submissions of the written statement filed on behalf of respondent No. 1 that there was residential house and three shops total measuring 30' x 10', one room 10' x 12' latrine bathroom 10' x 5', one room 15' x 15', one shed 10' x 12' of petitioner No. 1, house, showroom, double storey with basement total measuring 30' x 40' of petitioner Nos. 4 and 5, showroom, double storey with basement, total measuring 40' x 60' of petitioner No. 3 and petitioner No. 2 was having house and kitchen measuring 10' x 10', hall 25' x 40', room 10' x 10', latrine bathroom 10' x 10' and Hodi 10' x 5'.

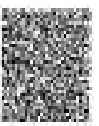
22. From the above response of the respondents, it is clear on the record that the petitioners have been residing with their families in the houses having 'A' Class construction, for a long time. There is no material on record brought by the respondents suggesting that houses constructed by the petitioners are unauthorized. The categorical and unequivocal assertions of the petitioners that

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entire area, where their houses are situated, is known as Kirti Nagar, a thickly populated area and has been fully developed, and M.C. Gurgaon is also providing requisite facilities to the area, have not been specifically challenged by the respondents in their written statements. In CWP No. 11899 of 2004, it is admitted by the Municipal Corporation that the petitioner is paying the house tax. This again negates the plea of the respondents that petitioners are in unauthorized possession of the land/ houses.

23. According to the respondents, Rapat Entry No. 441 dated 20.04.2005 regarding taking and handing possession over to the beneficiary department was entered and this is sufficient proof of vesting of the acquired land with the Government. In the award dated 20.04.2005, it is mentioned that possession of land acquired, vide the award, has been taken over after offering amount of compensation, as per Rapat No. 441 dated 20.04.2005 except such land for which owner/interested persons have taken stay. On the other hand, respondent No. 4-HUDA, in its reply, admits that no physical possession of the houses was taken from the petitioners as there was stay order on their dispossession. There is nothing on record indicating that respondents ever challenged the stay orders or moved any application of vacating the stay. Evidently, present acquisition has been carried under the Act 1895 and award was passed in the year 2005 under the old Act of 1895 before coming into operation of New Act 'The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as '2013 Act'). Section 16 of 1894 Act deals with power to take possession. It provides that when Collector has made the award under Section 11, he may take possession of the land, which shall there upon vest absolutely in the Government from all encumbrances. The Section contemplates, necessary condition of vesting of land by Government is

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taking of actual possession of land. In “**Balwant Narayan Bhagde vs. M.D. Bhagwat**, 1976 (1) SCC 700, it was held that when Government proceeded to take possession of land acquired under 1894 Act. It must take actual possession of land, since all interest in the land are sought to be acquired.’ Given these peculiar facts, presumption of taking over possession of individually constructed house/shops, and vesting in the Government based on Rapat Entry is therefore largely not available to the respondents. Thus, on the facts and circumstances of the case, it cannot be held that possession of the land under the constructed houses/shops of the petitioners has been taken by the respondents and the land under construction of the houses/shops of the petitioners stand vested in the State of Haryana. Further, the recommendation made by the Land Acquisition Collector for releasing the constructed area along with the vacant proportionate area belonging to the petitioners affirms the fact that the petitioners are still in possession of the land. The respondents have not pleaded that for the constructed portion, any supplementary award was passed after getting the valuation of the building assessed.

24. The facts emerging from record makes it explicit that the purpose of acquiring the land i.e. for development and utilization of residential and commercial purposes has already been achieved. The photographs placed on record by the petitioners clearly indicate that the area has been fully developed. The roads have been laid and are being used as such by public at large. A profitable reference can be made to the extract of the JSIC Committee placed on record in CWP No.11899 of 2004 (Annexure R-1) which reads as under:-

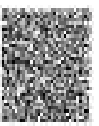
“ JSIC members inspected the site. Since no objection has been raised with regard to acquisition of land of Bundh area falling in Sector-15 Part-II bearing Kharsa No. 429 min, JSIC recommends



notifying the same under section-6 of Land Acquisition Act. Regarding land of Sector-15 Part-I under acquisition, it has been found that land falls adjoining to already released land of Kirtinagar and had been lying un-acquired since 1988 in spite of the fact that the award of and had been quashed by Hon'ble High Court in its order dated 26-5-1998 in CWP No. 5968/1968 Mohinder Singh & others & 1877/1987 Ranbir Singh etc. Since large scale construction has come up on the area, and hardly any land is available which HUDA can make use off. Land which do not have thick construction and can be developed and utilized by HUDA is shown on copy of Part Demarcation Plan in red colour. Decision in the matter for notifying the area under section 6 of Land Acquisition Act may therefore be taken at the Head Quarter level keeping in view the above stated facts.”

25. The petitioners categorically pleaded that the part of the Kirti Nagar had been released from acquisition. However, the land of the petitioners, who are similarly placed with that of the other land owners, whose land had been released, has been illegally acquired and they have been discriminated and have been deprived of their property illegally under this colourable exercise of power vested in the State.

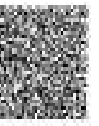
26. Although, the State is statutory empowered to acquire the land for the public purposes but is obligated to exercise such power in a reasonable, fair and equitable manner. The action of the State must reveal the acts done constitutionally and the act of the Government should not result in discrimination among the people who are equally placed. However, facts appearing on record demonstrate that the action of the government is arbitrary and discriminatory.

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27. Further, we are of the considered view that the notifications in question need to be quashed on the principle of *res judicata*. We are conscious where large public interest is at stake, more flexible approach need to be adopted by the Courts. However, *res judicata*, as a technical legal principle, operates to prevent the same parties from re-litigating the same issue that has been conclusively determined by a Court. Here, it is crucial to note that previous decision of this Court in CWP No. 5986 of 1986 and CWP 1877 of 1987 quashing the notifications of the acquisition, which also includes the land of the petitioners, was not challenged by the State and attained finality. The State for long 14 years did not take any action to acquire the land of the petitioners, contrary permitted the petitioners and other public at large to continue to build their houses and commercial establishments by pumping their necessary resources and developed into a residential and commercial area, now known as Kirti Nagar, Gurgaon, the purpose for which the Government has again aspired to acquire the land.

28. In view of the above discussion, all these writ petitions deserved to be allowed. Consequently, the impugned notification dated 24.12.2002 (Annexure P-3) issued under Section 4 and notification dated 22.12.2003 (Annexure P-5) issued under Section 6 of the Land Acquisition Act, 1894, by which the land of the petitioners has been acquired over, on which they have already raised the construction of their house/ shops, prior to issuance of notifications under Section 4 of the 1894 Act, stand quashed to that extent.

29. However, the petitioners/landowners, who have taken the compensation, are directed to deposit the same with the concerned authority along with simple interest @ 6% per annum from the date they received the payment within thirty days from passing of this order, failing which they shall be liable to

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pay interest @ 9% per annum from the date of default till payment. The State is at liberty to recover the said amount in accordance with law. No order as to costs.

30. Pending applications, if any, also stand disposed of accordingly.

**(G.S.SANDHAWALIA)**  
**JUDGE**

**(RITU TAGORE)**  
**JUDGE**

**July 16, 2024**

pj

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