



IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CWP No.12354 of 2022  
Date of Decision: 13.11.2024

Ganga Mandir, Rewari through its owner,  
Mohatmin and Mahant, Trilok Chand

...Petitioner

Versus

State of Haryana and others

...Respondents

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

Present:-    Mr. S.K. Tripathi, Advocate  
                  for the petitioner.

Mr. Ankur Mittal, Additional A.G., Haryana with  
Mr. Saurabh Mago, D.A.G., Haryana  
for respondents No.1 and 3.

Mr. Ankur Mittal, Advocate with  
Ms. Kushaldeep K. Manchanda, Advocate and  
Mr. Siddhant Arora, Advocate  
for respondents No.2 and 4.

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

The direction has been sought to release the land of the petitioner in view of the policy dated 14.09.2018 (Annexure P-14), which is allegedly not viable as per case of the petitioner. The petitioner claims to be the owners of 73 Kanals 13 Marlas of the land in Village Dhaliawas, Tehsil and District Rewari. The notification in question is dated 27.01.2003 (Annexure P-2) under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act of 1894') and under Section 6 of the Act of 1894 dated 23.01.2004 (Annexure P-3). The Award is dated 20.01.2006 (Annexure



P-4) wherein the reference under Section 18 of the Act (Annexure P-5) was also filed for seeking compensation on account of being the 'Dholidar' in possession of the land in question.

2. As per the reply filed, the possession of the land in question was taken by entering Rapat Roznamcha No.353 dated 20.01.2006 and the same was handed over to HSVP. Total sum of Rs.54,88,98,947/- has been deposited, out of which an amount of Rs.48,32,71,299/- has been disbursed to the land-owners and the remaining amount of Rs.6,56,27,648/- has been sent to the ADJ Court, Rewari on 29.05.2006, which is qua whole of the land acquired.

3. The present writ petition is the third round of litigation. Firstly, the petitioner filed **CWP No.2946 of 2015** titled '**Ganga Mandir Rewari versus State of Haryana**' wherein the direction was issued to make the representation. Apparently, the same was rejected. The petitioner has also filed **CWP No.3996 of 2017** titled '**Ganga Mandir versus State of Haryana and others**', which was dismissed on 24.08.2020 on the ground that the issue of lapsing has been settled by the Constitutional Bench of the Apex Court in **Indore Development Authority vs. Manohar Lal and others, (2020) 8 SCC 129**. Then, the resort was made to invoke Section 101-A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, vide which liberty was granted by the Co-ordinate Bench. The said aspect of the viability as such has been met by averring as under:-

*"14. That it is respectfully submitted that in the case in hand, the land surrounding the land in question is*



*acquired and is in the possession of the answering respondent. The land involved in the petition affects the planning of sector dividing 45 meter wide road, 12 meter wide service road, 24 meter wide internal road, 2 nos of parking, pavements, bank site, and 42 nos double story shop as per layout plan. This clearly shows that the land in question has been duly planned and is very much essential for achieving the public purpose for which the land was acquired. True copy of the layout plan is annexed herewith as **Annexure R-1** for the king perusal of this Hon'ble Court."*

4. We have also gone through the site-plan (Annexure R-1) to examine the location of the land which goes on to show that part of the land was falling on the 45 meter wide sector road dividing Sectors 17 & 18 and also abutting into the SCO and 24 meter wide road and parking and thus, the planned development as such is adversely affected. The taking of possession has never been challenged on merits way back in 2006 and it has been mentioned that after Rapat Roznamcha, the possession is in the capacity of a trespasser and not as an owner as per the settled principles since Rapat Roznamcha is dated 20.01.2006. Even otherwise, in **Indore Development Authority (supra)**, it has been held that if the person has filed the reference and sought higher compensation, he is not entitled to challenge the acquisition proceedings. Reference can be made to Paragraphs No.242 & 243, which reads as under:-

*"242. The proviso to Section 24(2) of the Act of 2013, intends that the Collector would have sufficient funds to deposit it with respect to the majority of landholdings. In case compensation has not been paid or deposited with*



*respect to majority of land holdings, all the beneficiaries are entitled for higher compensation. In case money has not been deposited with the Land Acquisition Collector or in the treasury of in court with respect to majority of landholdings, the consequence has to follow of higher compensation as per proviso to Section 24(2) of the Act of 2013. Even otherwise, if deposit in treasury is irregular, then the interest would follow as envisaged under Section 34 of Act of 1894. Section 24(2) is attracted if acquisition proceeding is not completed within 5 years after the pronouncement of award. Parliament considered the period of 5 years as reasonable time to complete the acquisition proceedings i.e., taking physical possession of the land and payment of compensation. It is the clear intent of the Act of 2013, that provision of Section 24(2) shall apply to the proceeding which is pending as on the date on which the Act of 2013, has been brought into force and it does not apply to the concluded proceedings. It was urged before us by one of the Counsel that lands in the Raisina Hills and Lutyens' Zones of Delhi were acquired in 1913 and compensation has not been paid. The Act of 2013 applies only to the pending proceedings in which possession has not been taken or compensation has not paid and not to a case where proceedings have been concluded long back, Section 24(2) is not a tool to revive those proceedings and to question the validity of taking acquisition proceedings due to which possession in 1960s, 1970s, 1980s were taken, or to question the manner of deposit of amount in the treasury. The Act of 2013 never intended revival such claims. In case such landowners were interested in questioning the proceedings of taking*



*possession or mode of deposit with the treasury, such a challenge was permissible within the time available with them to do so. They cannot wake from deep slumber and raise such claims in order to defeat the acquisition validly made. In our opinion, the law never contemplates-nor permits-misuse much less gross abuse of its provisions to reopen all the acquisitions made after 1984, and it is the duty of the court to examine the details of such claims. There are several litigations before us where landowners, having lost the challenge to the validity of acquisition proceedings and after having sought enhancement of the amount in the reference succeeding in it nevertheless are seeking relief arguing about lapse of acquisition after several rounds of litigation.*

*243. The expression used in Section 24(1)(b) is 'where an award under Section 11 has been made', then 'such proceedings shall continue' under the provisions of the said Act of 1894 as if the said Act has not been repealed'. The expression "proceedings shall continue" indicates that proceedings are pending at the time; it is a present perfect tense and envisages that proceedings must be pending as on the date on which the Act of 2013 came into force. It does not apply to concluded proceedings before the Collector after which it becomes functus officio. Section 24 of the Act of 2013, does not confer benefit in the concluded proceedings, of which legality if question has to be seen in the appropriate proceedings. It is only in the pending proceedings where award has been passed and possession has not been taken nor compensation has been paid, it is applicable. There is no lapse in case possession has been taken, but amount has*



*not been deposited with respect to majority of land holdings in a pending proceeding, higher compensation under the Act of 2013 would follow under the proviso to Section 24(2). Thus, the provision is not applicable to any other case in which higher compensation has been sought by way of seeking a reference under the Act of 1894 or where the validity of the acquisition proceedings have been questioned, through they have been concluded. Such case has to be decided on their own merits and the provisions of Section 24(2) are not applicable to such cases.”*

5. Even otherwise, as noticed, the petitioner is not the owner of the land and has been only given the right of a *Dholidar* and as per the pleadings as such, the gift was only conditional. The person, who was the owner namely Yogender, has been arrayed as respondent No.4 in the petition under Section 30 of the Act of 1894, which is regarding apportionment, would be only limited to the right of the petitioner in view of the fact that he is in occupation of the premises and being an user as such, he is entitled for the compensation deposited.

6. Keeping in view the above, we are of the considered opinion that there is no merit in the present writ petition and the same is dismissed accordingly.

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

**13.11.2024**  
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**(MEENAKSHI I. MEHTA)**  
**JUDGE**

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