



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CWP No.9758 of 2023

Date of Decision: 29.10.2024

Devina Gahlot (minor) through natural guardian (mother)
Ms Moushumi Mishra Gahlot

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. R. Kartikeya, Advocate
for the petitioner.

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

G.S. SANDHAWALIA, J.(Oral)

By way of the present petition filed under Articles 226 and 227 of the Constitution of India, the petitioner seeks declaration of Section 7 of the Haryana Consolidation of Project Land (Special Provisions) Act, 2017, as amended vide Amendment Act, 2020 (for short 'the 2017 Act'), as ultra vires, arbitrary and unconstitutional being violative of Articles 14, 16 and 19 of the Constitution of India.

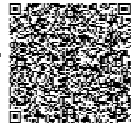
2. Resultantly, the notification dated 13.10.2022 (Annexure P-2) issued under the Act in respect of land measuring 0-2-8, situated in Khasra No.49//19/20 min at Village Chauma, Tehsil and District Gurgaon and the



notice dated 17.02.2023 (Annexure P-3), whereby the petitioner has been asked to exercise her right as per Section 7 of the 2017 Act and to elect the mode of compensation within 30 days, are also the subject matter of challenge.

3. Vide order dated 19.07.2024, the matter was adjourned to await decision of the Co-ordinate Bench, whereby vires of the afore-said Section were the subject matter of challenge. It is not disputed that vide judgment dated 26.09.2024 passed by the Co-ordinate Bench in ***CWP No.15676 of 2019 & connected cases*** titled as '***Mool Chand and others Versus State of Haryana and others***', Section 7 of the 2017 Act has been declared *ultra-vires* Article 14 of the Constitution of India insofar as the method of determination of market value, amount of compensation, parameters to be followed for award of compensation, interest and solatium, benefits of rehabilitation and resettlement, as envisaged under Sections 26 to 32 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The relevant paragraph of the said judgment reads as under:

“62. In the given facts and circumstances, while holding the Haryana Consolidation of Project Land (Special Provisions) Act, 2017 to be a valid legislation and not ultra-vires the Constitution of India, Section 7 thereof is declared ultra-vires Article 14 of the Constitution of India insofar as the method of determination of market value, amount of compensation, parameters to be followed for award of compensation, interest and solatium, benefits of



rehabilitation and resettlement as envisaged under Sections 26, 27, 28, 29, 30, 31 and 32 of the RFCTLARR Act, are denied. Landowners who are compulsorily divested of their property under the 2017 Consolidation Act would thus be entitled to solatium, interest, benefits of rehabilitation and resettlement in terms of RFCLTARR Act.”

4. Learned counsel for the petitioner, thus, submits that he would be satisfied as his case is covered under the afore-said judgment and he would prefer to opt for the mode of compensation instead of the demand of offer of equal area of land in the same revenue record.

5. Accordingly, the present petition is disposed of, in view of the above statement made by learned counsel for the petitioner. The State shall consider the case accordingly.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

October 29, 2024
Yag Dutt

Whether speaking/reasoned: Yes
Whether Reportable: No