

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

**126**

**CWP-10228-2023 (O & M)  
Date of Decision: 13.05.2024**

**Anil Kumar Goyal**

....Petitioner

Versus

**State of Haryana and another**

....Respondents

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

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**Present:** Mr. Ranjeet Kumar Jaswal, Advocate  
for the petitioner.

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

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**Sureshwar Thakur, J. (Oral)**

1. Through a notification dated 02.03.1993 issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter in short to be referred as ‘the Act of 1894’), followed by a declaration made on 01.03.1994, under Section 6 of the Act of 1894, and, through a subsequent thereto award made on 28.02.1996, thus, the subject lands became acquired.

2. The petitioner challenges the notifications (supra), and also claims the benefit of Section 101A, as occurs in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter in short to be referred as ‘the Act of

2013'). However, for his taking the benefit of Section 101A of the Act of 2013, as became inserted in the Haryana Amending Act 21 of 2018 (amended through notification dated 24.05.2018), he was required to establish that the subject lands are neither viable nor essential for the relevant public purpose.

3. Be that as it may, earlier to the instant writ petition, becoming filed, the petitioner had filed CWP-11391-2019 before this Court. The ground made therein, thus for his challenging the said made notifications, became solitarily rested qua the subject lands thereins, being amenable to be released to the petitioner, thus on the premise that the respondent concerned had ordered for releases of the acquired lands rather to the other land losers concerned. Tritely hence, the ground raised then in the said writ petition, did not relate, to the petitioner therein claiming the benefit of Section 101 A of the Act of 2013. Since the said provision became inserted through the Haryana Amending Act 21 of 2018, and, with the writ petition (supra) becoming instituted, thus post the insertion of the said provision in the Act of 2013, therebys when it was but open for the petitioner to thereins claim the benefit of the said provision, but when he failed to plead the said fact, in the earlier writ petition, therebys, he becomes estopped to raise or plead the apposite fact, which earlier became omitted to be pleaded.

4. Consequently, therebys in terms of Order 2 Rule 2 of C.P.C, the present petitioner was barred from, or became estopped to, qua the said omitted pleading, or qua the omitted cause of action, raise the same in the subsequent writ petition.

5. Be that as it may, in the subsequent writ petition, which is the present one, the said omitted ground became pleaded, despite the fact that the raising of the said pleading became estopped by invoking against the present petitioner, the ground of estoppel, as, created under Order 2 Rule 2 of C.P.C.

6. On the first day, when the said writ petition became listed before this Court, the counsel for the petitioner withdrew the said writ petition, and, ultimately this Court dismissed the writ petition as withdrawn.

7. However, subsequently, a review application was filed within the said writ petition and this Court, after allowing the said application, thus restored the writ petition for rehearing being done thereon.

8. As stated supra, the instant writ petition is barred by the principle of estoppel and apart therefrom there is no locus standi in the present petitioner, to claim the releases of the acquired lands, through his relying upon the statutory provisions occurring in Section 101A of the Act of 2013. The reason is but simple, inasmuch, as since the present petitioner acquired title to the subject lands, post the issuance of a notification under Section 4 of the Act of 1894, thereby when through the issuance of a notification under Section 4 of the Act of 1894, there is divestment of complete right, title and interest over the subject land in the vendor concerned, rather there is complete investment of right, title and interest in acquiring authority concerned *viz-a-viz* the subject land.

9. In sequel, when uncontestedly, the acquisition of title to the subject lands by the petitioner was made post the issuance of a notification

under Section 4 of the Act of 1894, thereby the said acquisition of title, but naturally makes completely ineffective the instantly prayed reliefs, as, there is no valid locus standi in the present petitioner to institute the instant writ petition before this Court.

10. Dismissed accordingly, along with all pending applications, if any.

**(SURESHWAR THAKUR)**  
**JUDGE**

**13.05.2024**  
*Varinder Prashad*

**(LALIT BATRA)**  
**JUDGE**

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