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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-13953-2024

Date of decision:31.05.2024

RUPA JINDAL AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. Alok Mittal, Advocate
for the petitioners.

Mr. Saurabh Mago, DAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. Admittedly in respect of the subject lands, award No.18 dated 07.11.1975 (Annexure P-4) was passed. Uncontrovertedly also the aggrieved from the said award filed a petition for enhancement of compensation under Section 18 of the Land Acquisition Act, 1894, before the learned District Judge concerned, and, on the said reference petition Annexure P-5 became rendered, on 21.02.1979. However, despite the above recourse becoming made by the present petitioners against the determination of compensation, as was made in respect of the subject lands in the year 1975, through the makings of Annexure P-4, and despite the fact that therefroms rather the aggrieved preferred a reference petition before the learned District Judge concerned, and, which resulted in the drawing of Annexure P-5, on 21.02.1979, yet much belatedly, therefrom, in the year

2024 the instant writ petition has been constituted before this Court.

2. The import of the above elongated delay in the preferment of the instant writ petition before this Court for making a challenge to the award (Annexure P-4) dated 07.11.1975, and, to the award made on the reference petition (Annexure P-5) dated 21.02.1979, is but obviously that the instant writ petition, become stained with a vice of gross delay and laches and thereby in terms of the verdict rendered by the Hon'ble Apex Court in a judgment titled *M/S. Star Wire (India) Ltd vs The State Of Haryana & Ors on 25 September, 1996, 1996 (11) SCC 698*, wherein, it has been expostulated, that belatedly instituted claims are *per se* imbued with a vice of delay and laches, as thereby the petitioners abandon and waive their rights over the disputed lands. Resultantly, the instant writ petition is completely mis-constituted.

3. Apart from the above, the further effect *qua* this Court interfering with the award passed by the Reference Court through Annexure P-5, thus on the purported pretext that the provisions of Section 101-A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013, became inserted in the year 2018, also would result in the exercising of jurisdiction by this Court, upon, the validity of the award passed by the Reference Court in Annexure P-5, despite may be, the fact that the said reference petition was constituted only after the aggrieved receiving the compensation amount determined in Annexure P-4.

4. If so, despite the land-losers concerned, accepting the compensation amount determined in Annexure P-4, and, which led them to institute a reference petition before the learned District Judge concerned, whereons, Annexure P-5 was rendered, thereby despite an estoppel operating against the land-losers concerned, to assail the said annexures,

especially also when thereby they acquiesce to the validity of the launching of the acquisition proceedings vis-a-vis the subject lands, yet the acceptance of the instant motion on the above ground, would but naturally be an ill countenancing of the above estopping acts of the land-losers which but as stated (supra) personify their acquiescence to the legitimacy of the acquisition proceedings, besides their acquiescence to the determination of compensation as made in respect of the subject lands.

5. In consequence, this Court finds no merit in the instant writ petition, especially also when it is stated at the bar by the learned State counsel on instructions imparted to him, that the subject lands are an integral component of the layout plan, and, as such they sub-serve the relevant public purpose. Moreover, when therebys the relevant public purpose predominates thus ill individualist selfish purposes, thereby also this Court is constrained to dismiss the instant writ petition.

6. Consequently, this Court finds no merit in the instant petition, and, the same is hereby dismissed with costs of Rs.25,000/- to be forthwith deposited by the petitioners with the 'Punjab and Haryana High Court Employees' Welfare Association'.

(SURESHWAR THAKUR)
JUDGE

31.05.2024

Ithlesh

(RITU TAGORE)
JUDGE

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