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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

CWP-15452-2016
Date of Decision : 10.05.2024

JAI PARKASHPetitioner

Versus

STATE OF HARYANA AND OTHERSRespondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present : Mr. Rose Gupta, Advocate
for the petitioner.

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

Mr. Ankur Mittal, Advocate with
Ms. Kushaldeep K. Manchanda, Advocate and
Ms. Saanvi Singla, Advocate
Mr. Siddhanth Arora, Advocate
for respondent – HSIIDC.

SURESHWAR THAKUR, J. (Oral)

1. The instant writ petition became remanded by the Hon'ble Supreme Court vide order dated 01.03.2024, upon, Civil Appeal No.3676 of 2024. The operative part of the said order is extracted hereinafter.

*“xxxxx. In such view of the matter, the appeal stands allowed.
Accordingly, the impugned order stands set aside and the matter is remitted back to the High Court to be decided on the issues other than the one covering the filed in Indore Development Authority (supra).*

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4. No costs. Pending application(s), if any, shall stand disposed of.”

2. A reading of the above extracted remand order, as, passed by the Hon'ble Apex Court, on the apposite Civil Appeals, reveals that this Court is not required to either delving into or making any adjudication vis-a-vis the applicability of the provisions enshrined in Section 24 (2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, vis-a-vis, the present petitioner but rather is required to answer/adjudicate the writ petition on the other issues on merits.

3. Be that as it may, a perusal of the reply on affidavit reveals that the possession over the acquired lands became assumed through rapat roznamcha bearing No. 742 dated 07.08.2008. As far as the compensation qua the subject lands is concerned, the petitioner has already been paid Rs. 48,679/- @ Rs. 16.00 lacs per acre and thereafter the enhanced compensation amount comprised in a sum of Rs. 41,340/- @ Rs. 26.00 lacs per acre, has also been paid to the petitioner.

4. Further, it is indicated in the reply on affidavit, that an amount of Rs. 4,22,351/- has already been paid as compensation to the petitioner qua the structure and the enhanced compensation amount comprised in a sum of Rs.36,594/- is lying deposited in the learned ADJ Court concerned. The said enhanced compensation has not been disbursed to the petitioner owing to pending litigation.

5. The effect of the above, is that, thereby the petitioner is deemed to accept the validity of the launching of the acquisition proceedings, whereby he is rather estopped from challenging the

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validity of the launching of the acquisition proceedings.

6. Furthermore, it is indicated in the reply on affidavit that the petitioner became the owner of the subject lands after the issuance of Section 4 notification under the Land Acquisition Act, 1894 (hereinafter for short called as the 'Act of 1894'). Therefore, the petitioner being a subsequent purchaser of the subject lands thus has no *locus standi* to challenge the acquisition proceedings. The above becomes sparked from the factum that on issuance of a notification under Section 4 of the 'Act of 1894', the land owner(s) became divested of any right, title or interest over the acquired lands, whereas, complete investment of right, title and interest over the acquired lands, rather became thus conferred, upon, the acquiring authority. Thereby also, the occupation of the petitioner, over the subject lands rather is as trespasser thereovers and the petitioner is required to be lawfully evicted therefrom.

7. Conspicuously also since it has been stated, in the reply on affidavit, already on record, that the subject lands are an integral component of the layout plans, thereby when they are facilitating the relevant public purposes. Consequently, when public purpose than the individualistic interest is rather to be furthered. Resultantly, this Court finds no merit in the instant petition, and, is constrained to dismiss it.

Final Order of this Court.

8. In aftermath, this Court finds no merit in the writ petition, and, with the above observations, the same is dismissed. The impugned

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notification(s), and consequent thereto award are maintained and affirmed.

9. No order as to costs.
10. Since the main case itself has been decided, thus, all the pending application(s), if any, also stand(s) disposed of.

(SURESHWAR THAKUR)
JUDGE

(SUKHVINDER KAUR)
JUDGE

10.05.2024

kavneet singh

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