

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

CWP-15699-2016
Reserved on: 04.04.2024
Pronounced on: 18.04.2024

CHANDER SINGH AND ANOTHER

.....Petitioners

Versus

THE STATE OF HARYANA AND OTHERS

....Respondents

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

Argued by: Ms. Promila Nain, Advocate
for the petitioners.

Mr. Ankur Mittal, Addl. AG Haryana with
Mr. Pradeep Prakash Chahar, Sr. DAG, Haryana.

SURESHWAR THAKUR, J.

1. Through the instant writ petition, the petitioners pray for quashing of notification (Annexure P-3) issued on 17.11.2005, under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as “the Act of 1894”); and notification (Annexure P-4) issued on 07.02.2006, under Section 6 of the Act of 1894, besides pray for quashing of impugned order dated 17.06.2015 (Annexure P-7).

2. The impugned notifications are claimed to become lapsed by the petitioners, thus by virtue of the Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013 (hereinafter referred to as “the Act of 2013”).

acquired lands, measuring 2068.52 acres, for public purpose namely development of Sectors 65 to 68, Sonapat (Rajiv Gandhi Educational city).

4. Through an order made on 30.11.2016, in the instant writ petition, this Court allowed the petition and the acquisition proceedings were declared to have become lapsed under Section 24(2) of the Act of 2013. The said verdict was challenged by the Government of Haryana before the Hon'ble Apex Court by filing SLP (C) No.6293 of 2023, which was converted into Civil Appeal No.2150 of 2023.

5. The learned counsel appearing for the contesting litigants, consensually submit before this Court that the instant petition is covered by paragraph Nos. 3 and 7 of the verdict made, on 11.04.2023, by the Hon'ble Apex Court, on the Civil Appeal (supra), paragraphs whereof are extracted hereinafter.

*“3. In all these appeals, the issue relates to the first category, namely, where before the High Court, the original writ petitioners challenged the acquisition/acquisition proceedings under the Act, 1894, which, as such, were filed much prior to the Act, 2013 came into force and submitted the amendment applications for the relief of deemed lapse of acquisition under Section 24(2) of the Act, 2013 on the grounds that neither the possession was taken over nor the compensation was paid/tendered. Without deciding the writ petitions on merits on other grounds, more particularly the grounds on which the acquisition/acquisition proceedings under the Act, 1894 were under challenge, solely relying upon the decision of this Court in the case of **Pune Municipal Corporation v. Harakchand Misirimal Solanki, reported in (2014) 3 SCC 183**, the High Court has allowed the writ petitions and has declared that the acquisition with respect to the lands in question is deemed to have lapsed*

under Section 24(2) of the Act, 2013.

4, 5, 6. xxx

7. *In view of the above and for the reasons stated above, all the civil appeals as per para 3 of this judgment, arising out of the impugned common judgments and orders passed by the High Court of Punjab and Haryana at Chandigarh in CWP No. 4015/2006 and other allied writ petitions are allowed. The impugned judgment(s) and order(s) passed by the High Court declaring that the acquisition with respect to the lands in question is deemed to have lapsed under Section 24(2) of the Act, 2013 is/are hereby quashed and set aside. However, the matters are remitted back to the High Court to decide and dispose of the main writ petitions afresh in accordance with law and on their own merits on other issues except the applicability of Section 24(2) of the Act, 2013. We request the High Court to finally decide and dispose of the writ petitions on remand at the earliest and preferably within a period of nine months from the date of receipt of the present order. All contentions and defences which are available to the respective parties are kept open to be considered by the High Court in accordance with law and on their own merits (except the submission of applicability of Section 24(2) of the Act, 2013)."*

6. Through an order of 11.04.2023, the Hon'ble Supreme Court remitted the matters to this High Court, thus to decide and dispose of the writ petitions afresh in accordance with law and on their own merits, on other issues except the applicability of Section 24(2) of the Act of 2013. Therefore, this Court is in terms of the directions contained in the said paragraphs, thus required to decide and dispose of the instant writ petition afresh in accordance with law, and, on its own merits and issues. However, though the Hon'ble Apex Court in terms of the above extracted paragraphs, has declared that the instant

the Act of 2013, to the instant writ petition.

7. Be that as it may, yet this Court is required to be considering the validity of the rejection order passed by the competent authority (Ann. P-7).

8. A reading of Annexure P-7 discloses, that it was made in pursuance to the directions passed by this Court in CWP-25483-2014. The operative para of the said directions are extracted hereinafter.

“After hearing learned counsel for the parties, keeping in view the fact that the petitioners have raised disputed questions of facts with regard to their possession on the acquired land and non-payment of compensation to them, we dispose of this petition with liberty to the petitioners to submit a detailed representation to the Land Acquisition Collector, Sonapat (respondent No.2 herein) in this regard. If any such representation is submitted by the petitioners, respondent No.2 is directed to consider and decide the same, within a reasonable time, after issuing notice to the HUDA, for whom the land was acquired, and after hearing the HUDA and the petitioners, by passing a speaking order. If the claim as set out by the petitioners with regard to their possession over the acquired land and non-payment of compensation to them is found to be correct, then respondent No.2 will send the case to the appropriate Government for taking action in the matter under Section 24 (2) of the Act.”

9. Through the said order the claim raised by the petitioners for their estates/lands being released from acquisition became rejected.

10. The reason for not releasing the petitioners' lands becomes founded upon the factum, that the said lands are an integral component of the layout cum demarcation plan. Moreover, when it is also stated therein, that the development works on the acquired lands have been completed.

releasing their lands from acquisition, thus became founded upon the well made premise (supra). Consequently, when the preparation of the layout plan is done through employments of the expertise of the Engineering Cell concerned. Therefore, the expertise employed by the Engineering Cell of the Acquiring Authority concerned, rather is not required to be tinkered with. Since the inclusions therein the acquired lands of the present petitioners, rather do thereby further and facilitate the public purpose. Moreover, when the said public purpose is spoken in the impugned order (Annexure P-7) to become completed through development works being made thereons. Resultantly, at this belated stage, this Court does not deem it fit, and, appropriate to release the lands of the petitioners.

12. Hence, this Court finds no merit in the instant writ petition, hence the same is dismissed.

(SURESHWAR THAKUR)
JUDGE

18.04.2024	(LALIT BATRA)
Ithlesh	JUDGE
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No