



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.19472 of 2015(O&M)

Date of Decision: 26.07.2024

Sandeep & another

...Petitioners

Versus

The State of Haryana & Ors.

...Respondents

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

Present:- None.

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G.S. SANDHAWALIA J. (Oral)

Vide the order passed by the Apex Court on 01.03.2024, the matter has been remitted to this Court, to be decided on the issues other than the one covering the field in the light of decision in **Indore Development Authority vs. Manoharlal and others, (2020) 8 SCC 129.**

2. Challenge in the present writ petition, filed under Article 226/227 of the Constitution of India, is to the notification dated 17.11.2005 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') and the subsequent notification dated 07.02.2006 (Annexure P-3) issued under Section 6 of the Act, for acquisition of the land comprised in killas No.41/3 (5-0), 4/1 (1-8), 5 (8-0) and 41/4/2 (6-12) total measuring 21 kanal 0 marla, reflected in the revenue record of Village Aswarpur Tehsil Rai, District Sonapat as well as the land of the other villages of District Sonapat, as mentioned in the said notification for the development of Sectors No.65 to 68, Sonapat.

3. We have perused the paper-book as well as the record of the acquisition and the same shows that the land was acquired as per Award dated



02.03.2006. The instant writ petition was filed in the year 2015 wherein no other ground, except the issue of notification having lapsed in view of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (for short '2013 Act'), has been set-forth in the same. Hence, there is no scope for examining any other issue. The plea of the petitioners is that they have been in possession of the land till date.

4. Resultantly, we are of the considered opinion that the legal issue under the 2013 Act, has already been decided by the Constitution Bench of the Apex Court in the judgment of **Indore Development Authority** (*supra*). Regarding the issue of lapsing of acquisition raised at this belated stage after 15 years, the petitioners would have no right as the land stood vested in the State and the status of the petitioner thereafter is only of a rank unauthorized occupant. As such, the writ petition necessarily has to be dismissed.

5. We order accordingly. However, the petitioners are granted time till 31.12.2024 to vacate the land in dispute. After the said date, State will be free to take over the possession of the acquired property.

(G.S. SANDHAWALIA)
JUDGE

July 26, 2024
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No