

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024.PHHC.088369-DB



(105) CWP No.19196 of 2016 (O&M)

BuddhiPetitioner(s)

Versus

State of Haryana and othersRespondent(s)

(2) CWP No.23763 of 2016 (O&M)

Umesh Aggarwal and anotherPetitioner(s)

Versus

State of Haryana and othersRespondent(s)

(3) CWP No.19598 of 2016 (O&M)

ChanderpalPetitioner(s)

Versus

State of Haryana and othersRespondent(s)

Decided on : 16.07.2024

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE RITU TAGORE

Present: Mr. Vikram Singh, Advocate and
Mr. Harkirat Singh, Advocate for the petitioner
(in CWP No.19598 of 2016).

None for the petitioners in CWP Nos.19196 and 23763 of 2016.

Mr. Ankur Mittal, Addl. AG, Haryana and
Mr. Saurabh Mago, DAG, Haryana.

Mr. Ankur Mittal, Advocate and
Ms. Kushaldeep Kaur Manchanda, Advocate
for the respondent-HSIIDC.

G.S. Sandhawalia, J.(Oral)

Challenge in the present set of cases is to the notification dated 09.08.2007 issued under Section 6 of the Land Acquisition Act, 1894 (for short '1894 Act'), whereby the land of the petitioners had been acquired.

2. In **CWP No.19196 of 2016**, the discriminatory attitude was complained and the release of similarly situated land was highlighted for of the house measuring 600 square yards, apart from the relief as per Section 24(2) of the Right to Fair Compensation and Transparency in the Land Acquisition Act, 2013 (for short '2013 Act'). Similar relief is also claimed in **CWP No.23763 of 2016**, wherein the petitioners prayed for release of 1 kanal 9 marlas land as per Section 24 (2) of the 2013 Act. In **CWP No.19598 of 2016**, release is sought of house measuring 390 square yards under the said provisions on the ground that the petitioner is still in physical possession of house in question and payment of compensation had not been received.

3. It is not disputed that initially the writ petitions were allowed by the Coordinate Bench on 30.11.2016 while passing order in **CWP No.15020 of 2016 'Mitter Sain vs. State of Haryana and others'**, keeping in view the law laid down in **Pune Municipal Corporation Vs. Harakchand Misirimal Solanki, (2014) 3 SCC 183**. Apparently, the respondent-HSIIDC preferred Civil Appeal before the Apex Court bearing No.2052 of 2023 '**HSIIDC &**

others Vs. M/s Honeywell International (India) Pvt. Ltd. which was allowed on 11.04.2023 (Annexure R-1) and the cases were put in two categories by the Apex Court, (i) where challenge had been made to the acquisition proceedings under the 1894 Act on various grounds and (ii) where there was a declaration that the acquisition with respect to the lands in question is deemed to have lapsed under Section 24(2) of the 2013 Act.

4. The Apex Court had remanded the matters pertaining to the first lot, whereby challenge was made to the acquisition proceedings, whereas allowed the appeals as such regarding where the issue was of lapsing under Section 24 (2) of the 2013 Act, keeping in mind the judgment of the Constitution Bench in **Indore Development Authority Vs. Manoharlal & others, (2020) 8 SCC 129**. Thus, the present cases are now before us after remand.

5. The present set of cases, thus, have a mixture and combination of facts of both the categories as challenge has been made to the 2007 notification in the year 2016 and also the additional prayer has been made for release of the land under Section 24(2) of the 2013 Act. The response of the State will have to be examined in each case to see the factum as such whether the landowners were granted the compensation as per the award and whether alternate plot has been offered to the petitioners or not. Apparently, the petitioners had not challenged the Award dated 29.07.2008 in question after the awards were passed and only chose to take the benefit and advantage of the fact that 2013 Act had come into force as noticed above.

6. In principle it has come forth that for the notification in question which was issued for the public purpose namely for the development of Industrial Model Township, Faridabad in village Mujeri, Navada-Tigon, Uncha Gaon, Chandali, Machgarh and Sotal in Tehsil Ballabgarh, District Faridabad, the compensation to the tune of Rs.461,82,24,716/- was awarded for the land

and structure. The total amount of Rs.453,78,76,070/- had already been disbursed to the landowners. Supplementary award was passed for Rs.5,04,32,568/- and deposited in the account of the Land Acquisition Collector. It has also been mentioned that amount of Rs.2,99,16,078/- was deposited in the account of the Reference Court. In **CWP No.19196 of 2016**, it has further been mentioned that the compensation has already been lifted by the petitioners. The compensation enhanced by the Reference Court amounting to Rs.13,02,097/- had already been deposited in the said Court. The possession of land of the petitioner was taken by the HSIIDC vide Rapat Roznamcha No.742 dated 07.08.2008 and the mutation of the said land had also been entered in the name of the HSIIDC. Only on account of the fact that the petitioners protested against the dispossession from the land in question and on humanitarian grounds they were allowed to stay in their respective houses till allotment of plots under the R&R Policy. The petitioner has already been offered plot measuring 300 square meters (sic. yards) vide letter of intent dated 21.07.2016 and, therefore, the petitioner has no *locus standi* to challenge the acquisition proceedings, as he has already received the compensation for the land and for the structure also.

7. In **CWP No.23763 of 2016** it has been mentioned that the compensation of the land had already been received by the petitioners and further the compensation for the structure had also been lifted by them. The compensation enhanced by the Reference Court has been deposited in the said Court. The plot measuring 3 marlas each had already been offered vide Letter of Intent dated 21.07.2016 and, therefore, *locus standi* to challenge the acquisition proceedings has been highlighted. The purpose of the acquisition of the land in question is for the Rehabilitation & Resettlement Pocket, Zone-2 at IMT Faridabad as per the layout plan, which is common in both the cases and, therefore, objection was taken that the area cannot be released.

8. In CWP No.19598 of 2016, similar are the averments that the compensation has been deposited and enhanced compensation of Rs.1,50,465/- had been deposited in the Reference Court. The petitioner had been offered plot measuring 300 square meter (sic. yards) vide Letter of Intent dated 21.07.2016 and, therefore, the petitioner has no *locus standi* to challenge the acquisition proceedings. It has further been mentioned that the land in question is falling under the 12 meter wide road and green belt at IMT Faridabad as per the layout plan and, therefore, the same cannot be released from the acquisition. It is, thus also pertinent to mention that counsel has withdrawn his power of attorney on 20.05.2024 and none had put in appearance on behalf of the petitioners. Now only in CWP No.19598 of 2016 counsel has filed his fresh power of attorney.

9. Thus, from the above sequence of events, it would be clear that after having received the amount of compensation and being allotted the alternate plot, challenge at the belated stage was apparently raised after a period of 8 years only on account of the fact that 2013 Act had come into force. The Award being passed under Section 16 of the 1894 Act would make the land vest in the State and the petitioners are, thus, now in unauthorized possession of the same. On the legal issue matter has already been decided under Section 24(2) of the 2013 Act by the Constitution Bench in **Indore Development Authority (supra)**. Regarding the issue of lapsing of acquisition at this belated stage the petitioners would have no right as such. The petitioners have also chosen not to file replication to the stand filed by the HSIIDC and, therefore, there is no doubt regarding the factual matrix as recorded above.

10. Resultantly, we do not feel any useful purpose would be served by carrying out these protracted litigation. Accordingly, the present writ petitions are dismissed. However, keeping in view the fact that the petitioners may have been residing in the premises for a considerable period, we grant them time to

shift from the premises in question by 31.12.2024. After the said date, the respondent-HSIIDC will be free to take over the possession of the acquired properties.

(G.S. SANDHAWALIA)
JUDGE

(RITU TAGORE)
JUDGE

16.07.2024
Naveen

Whether speaking/reasoned :	Yes
Whether Reportable :	No