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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1433-2018
Date of decision:22.05.2024

TARA CHAND AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

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

Present: Mr. Sandeep Sharma, Advocate with
Mr. Deepak Mishra, Advocate,
Ms. Gitanjali Sharma, Advocate,
Mr. Rohit Johar, Advocate and
Mr. Rohan Moudgil, Advocate
for the petitioner.

Mr. Saurabh Mago, DAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. In the instant writ petition, the petitioners claim relief for the makings of a lapsing declaration in respect of the subject lands, thus in terms of 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”).
2. The notification for acquisition under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as ‘the Act of 1894’) was issued on 17.04.1989 and, was succeeded by a declaration made on 16.04.1990 under Section 6 of the Act of 1894, and, subsequently an award dated 12.06.1990 was passed in respect of the subject lands.



3. However, initially the instant writ petition has been raised before this Court after more than 29 years elapsing since the initiations of acquisition proceedings *qua* the subject lands. Therefore, when in a judgment titled **M/S. Star Wire (India) Ltd vs The State Of Haryana & Ors on 25 September, 1996, 1996 (11) SCC 698** rendered by Hon'ble Apex Court, it has been expostulated, that belatedly instituted claims are *per se* imbued with a vice of delay and laches, as thereby the petitioner abandons and waive his rights over the disputed lands. Resultantly thereby the concomitant estopping principle, also does stem.

4. Be that as it may, the duo of parameters spelt in verdict rendered by the Constitution Bench of the Hon'ble Apex Court in case titled as **"Indore Development Authority v/s Manoharlal and Ors."**, reported in **(2020)8 SCC 129**, inasmuch as, *qua* through rapat possession bearing No.621 dated 12.06.1990, thus possession becoming assumed over the acquired lands, besides *qua* compensation becoming deposited on the date of the making of the award on 12.06.1990, for thus thereby the said deposited compensation amount becoming available for being disbursed to the land-losers concerned. Resultantly, the lapsing declaration, as claimed in terms of Section 24(2) of the Act of 2013, is impermissible to become assigned to the land-losers concerned.

5. A perusal of the reply furnished before this Court, on behalf of respondents No.2 and 3, reveals that the present lands are an integral component of the development and utilization of land for residential and commercial area, Sector-29 (Part) at Gurgaon. The land in question affects plots No.374P, 375P, 376SP, 377P, besides 378, Sector-28, Gurgaon. Sequel thereof, is that, when the acquired estates of the present petitioners are an



integral component of the layout plan, thereby the releasing of the land in question would be an unjustifiable tinkering with the layout plan.

6. Conspicuously, thus it has been stated therein, that the thereby to be affected the relevant public purpose(s) at the above sites, rather would become direly jeopardized, if the subject lands are released from acquisition. If so, this Court does not deem it fit, and, appropriate to make any tinkerings with the layout plan(s) which are drawn by the Engineering Cell of the Acquiring Authority concerned.

7. Resultantly, this Court does not also deem it fit, and, appropriate to order for the subject lands being released from acquisition, hence the instant petition stands dismissed.

8. Pending miscellaneous application(s), if any, stand(s), disposed of.

(SURESHWAR THAKUR)
JUDGE

22.05.2024
Ithlesh

(SUKHVINDER KAUR)
JUDGE

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