

**137 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

**CWP-1617-2018
Reserved on: 18.04.2024
Pronounced on: 29.04.2024**

LALITA MICHAEL AND OTHERSPetitioners

Versus

STATE OF HARYANA AND OTHERSRespondents

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

Argued by: Mr. Sakal Sikri, Advocate
for the petitioners.

Mr. Ankur Mittal, Addl. A.G., Haryana with
Mr. P.P.Chahar, Sr. DAG, Haryana and
Mr. Saurabh Mago, DAG, Haryana.

SURESHWAR THAKUR, J.

1. Through the instant petition, the petitioners seek the quashing of notification(s) bearing No. LAC (F)-81/NTLA/27978 dated 13.11.1981 (Annexure P-3), and, also seek the quashing of notification bearing No. LAC(G)-84/654 dated 24.01.1984 (Annexure P-4). The said notification(s) were respectively issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short 'the Act of 1894'). The consequent thereto award has also been asked to be quashed, and, set aside.

2. The above espoused writ claims become founded upon the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act of 2013'), whereunders the petitioners become empowered to claim the making of a lapsing declaration.

3. The present petitioners would be entitled to the espoused writ relief(s), as relates to this Court, thus declaring rather lapsed the extantly drawn acquisition proceedings, but only when the provisions embodied in Section 24(2) of the 'Act of 2013', become proved to become breached by the respondents. However, for the reasons to be assigned hereinafter, the asked for relief qua the making of a lapsing declaration rather cannot be accorded by this Court.

4. Primarily for the reason, that the present petitioners would be entitled to coax this Court to declare the launching of the acquisition proceedings under the Act of 1894, to thus become lapsed, but only when the respondent-State, rather had completely failed to, in terms of the verdict rendered by the Constitutional Bench of the Hon'ble Apex Court in ***Indore Development Authority versus Manohar Lal and others, reported in (2020) 8 SCC 129***, adduce sufficient/clinching discharging evidence, in respect of the duo parameters, inasmuch as, (i) qua rapat possession being made over the acquired lands, (ii) and, qua the compensation, as became determined by the Collector concerned, becoming deposited for therebys its becoming available for being released to the land losers concerned, besides the said events evidently happening before the coming into force of the 'Act of 2013'.

5. To determine the above, it is necessary to refer to the reply

said reply on affidavit, reveals, that possession over the acquired lands became assumed through rapat No. 422 dated 02.05.1986 and the mutation has been entered in favour of the beneficiary department.

6. Moreover, when it is further indicated in the reply, on affidavit, furnished to the writ petition, by the respondent concerned, that the total compensation amount, comprised in a sum of Rs.51384.20/- has been received vide cheque No. 418797 dated 22.12.1992 by the husband of petitioner no. 1 and father of petitioners No. 2 to 4.

7. The facts (supra) when disclose that the predecessor-in-interest of the present petitioners has received the assessed compensation amount (supra), thereby the present petitioners become estopped to claim the lapsing of acquisition proceedings, thus on the principle that the lawful owner of the subject lands, who is their predecessor-in-interest rather through receiving compensation in respect of the subject lands, has thereby acquiesced to the valid launchings of the acquisition proceedings. Resultantly, thereby too the petitioners are bound by the said acquiescence of their predecessor-in-interest.

8. Reiteratedly, in consequence, since both the above events took place prior to the coming into force of the 'Act of 2013', resultantly, in terms of the verdict recorded by the Hon'ble Apex Court in **Indore Development Authority's case (supra)**, the present petitioners are not entitled to make any espousal before this Court, that a lapsing declaration be made in terms of Section 24(2) of the 'Act of 2013'. In sequel, the above made writ claim is declined.

9. Further, a reading of para No. 5 of the reply, on affidavit, it is revealed that the father of petitioners No. 2 to 4 had filed objections under Section 5-A of the 'Act of 1894' and after consideration of the objections filed by him, the land of the petitioner measuring 2K-0M was recommended to be released and the rest of the vacant land was recommended for acquisition.

10. Therefore, the objection(s) as became filed by the petitioner became decided and even releases of some portion of lands was made in favour of the predecessor-in-interest of the petitioners, and the remaining land required for furthering the requisite public purpose was acquired through the impugned notification(s). Resultantly, the acquisition notification(s) and subsequent thereto passed award do not require any interference.

11. Moreover, the plea of the petitioners qua theirs still lawfully retaining the possession of 1 kanal 11 marla of the subject lands, is a mis-founded plea, as, the occupation of the petitioners, over the subject lands rather is as trespassers thereovers and the petitioners are required to be lawfully vacated therefrom.

12. 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.

13. In aftermath, this Court finds no merit in the writ petition,

KAVNEET SINGH
2024.04.30 16:54 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.

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

(SURESHWAR THAKUR)
JUDGE

29.04.2024

(LALIT BATRA)
JUDGE

kavneet singh

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