

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

2024:PHHC:126915-DB



CWP-24092-2014

Date of Decision: 24.09.2024

Bikram Singh

--Petitioner

Versus

State of Punjab & others

--Respondents

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

Present:- Mr. Mohit Jaggi, Advocate for the petitioner.

Ms. Arundhati Kulshrestha, AAG Punjab.

Mr. Shekhar Verma, Advocate for
respondent no.3-GMADA.

G.S. SANDHAWALIA.J (Oral)

1. Prayer in the present petition is for quashing the notification dated 21.02.2000 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (for short the Act) as also the consequent notification dated 02.02.2001 (Annexure P-3) under Section 6 of the Act in view of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short the 2013 Act).

2. Short reply on behalf of respondent no.3-GMADA has been filed today in Court. Same is taken on record. Copy furnished to counsel opposite.

3. The averments are that petitioner is owner of land measuring 1 marla in village Sohana on which a shop has been constructed.

4. The construction which is standing of the structures in the area shows that they are in shape of tin shed which can be erected at any point

of time and does not have a regular roof. In our considered opinion there is a delay in filing the present writ petition, of over 14 years on which account also the writ petition is not maintainable.

5. In the reply filed, it has been mentioned that the land falling in Khasra No.81//21 of village Sohana was acquired vide notification dated 21.02.2000 and the award dated 17.05.2001 was passed vide Rapat No.478 dated 17.05.2001. It has been submitted that amount of compensation payable to the petitioner has also been deposited by the Land Acquisition Collector, Urban Development, S.A.S Nagar in Govt. Treasury. The same having not been claimed, was withdrawn, which also includes the compensation of the petitioner. Thus, it is apparent that challenge had been raised at a belated stage only in the year 2013, when the Act came into force and after the possession having been taken over. Thus, we cannot give any right to the petitioner to challenge the acquisition proceedings which has been clarified by the Hon'ble Constitution Bench in case of **Indore Development Authority Vs. Manoharlal and others, AIR 2020 SC 1496.**

6. In view of the above, the present writ petition is, accordingly, dismissed with liberty to the petitioner to withdraw the proceedings pending before the court concerned.

(G.S. SANDHAWALIA)
JUDGE

19.09.2024
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(MEENAKSHI I. MEHTA)
JUDGE

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