



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.23442 of 2015
Date of Decision: 16.10.2024

Madan Lal and others
...Petitioners

Versus

State of Haryana and others
...Respondents

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

Present:- Mr.R.S. Kundu, Advocate
 for the petitioners.

 Mr. Ankur Mittal, Additional A.G., Haryana with
 Mr. Saurabh Mago, D.A.G., Haryana
 for respondents No.1 to 8.

G.S. Sandhawalia, J.(Oral)

The challenge in the present writ petition is to the notification dated 24.09.1971 (Annexure P-1), whereby the declaration has been made under Section 6 of the Land Acquisition Act, 1894 (for short ‘the 1894 Act’) for acquiring the land for public purpose for setting-up the tube-well in Village Unchia Gaon in Tehsil Ballabgarh, District Gurgaon. Similarly, challenge is raised to the order dated 21.03.2014 (Annexure P-13), wherein the request for the release of 01 Kanal 10 Marlas of land acquired in 1971 for water supply was rejected on the ground that if any outstanding payment is due, the same be initiated for the balance payment to the land-owners. Similarly also, the request for the return of the land was rejected



by the Executive Engineer on the ground that till date tube-well is not working but very much in place. Reference was made to Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the writ petition was filed in the year 2015.

2. The written-statement filed by respondents No.1 to 5 and 8 would go on to show that it has been mentioned that the land was acquired for providing water supply by drilling tube-well for Primary Health Centre, Ballabgarh and the land was in possession of the answering department and one number pump chamber measuring 14'x10' and one number room 10'x10' was still existing at the site and even one meter high boundary wall was existing at the site. Even the mutation of the said land had also been sanctioned in the name of the said department on 12.04.1972 vide Intkal number 1671. It has also been mentioned that the tube-well had been abandoned in the year 1991 due to lowering of the water level and the land is still in the possession of the department. The department was initiating to use this land as PH Store/Govt. residence for its employees since the land is situated in a thickly populated area and the question of transferring back the land to the petitioners after such a long period of 45 years could not be done. The release of the amount of compensation was to be done by the Land Acquisition Collector and the answering respondent could not be held liable for the same. It has also been mentioned that a sum of Rs.1397.25/- was lying unpaid/pending with the Land Acquisition Officer, Gurgaon and the petitioners can claim his amount from the said officer. No replication has been filed by the petitioners regarding the said aspects.



3. Thus, it is apparent that the land vested in the State under Section 16 of the 1894 Act and the amount of compensation was duly deposited and once the possession has been taken and the land has been utilized, the release of the land under Section 48 of the Act of 1894 cannot be done. Therefore, the claim as such for the quashing of the order or quashing of the notification 1971 cannot be entertained after a delay of 45 years.

4. Resultantly, we do not find any merit in the present writ petition and the same is dismissed accordingly. Liberty is granted to approach for the release of the compensation amount which stands deposited.

(G.S. SANDHAWALIA)
JUDGE

16.10.2024
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(MEENAKSHI I. MEHTA)
JUDGE

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