

**CWP-19023-2017****-1-****112****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CWP-19023-2017****Date of decision:22.05.2024****NARESH KUMAR AND OTHERS****...Petitioners****Versus****THE 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 petitioners.

Mr. Saurabh Mago, DAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. In the instant writ petition, the petitioners claim relief for a lapsing declaration being made 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 30.03.1990, and, was succeeded by a declaration made on 27.03.1991 under Section 6 of the Act of 1894, and, subsequently an award dated 24.03.1993 was passed in respect of the subject lands.

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3. However, initially the instant writ petition has been raised before this Court after more than 27 years elapsing since the initiation of proceedings for making acquisition of 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. Since thereby also the concomitant estopping principle, does stems, thereupon the instant writ petition is misconstituted.

4. Be that as it may, apart from the above, the respondents in the reply have raised a contention, that the present petitioners lack *locus standi* to maintain the instant writ petition, as they are not the lawfully recorded owners of the subject lands.

5. However, the learned counsels appearing for the petitioners have drawn the attention of this Court to Annexure P-6, whereby on a petition made before the learned Reference Court under Section 30 of the Act of 1894, thus by the predecessor-in-interest of the petitioners namely one Sumer Chand Saini, who was recorded as tenant over the subject lands, against one Madan Lal, the lawfully recorded owner of the subject lands, thereupons a finding becoming recorded, that the respondent in the said petition one Madan Lal, was entitled to the assessed compensation in 1:4 share, whereas, the predecessor-in-interest of the petitioners one Sumer Chand Saini was declared entitled to assessed compensation in 3:4 share, being the tenant over the subject lands under the landowner Madan Lal.

6. Annexure P-6 was recorded in the year 1998 and the instant writ petition has been belatedly filed in the year 2017, thereby the above



reason for this Court declaring the instant writ petition to be mis-constituted, on the ground *qua* it becoming stained with a gross and pervasive vices of delays and laches, does become fortified.

7. Learned counsels for the petitioners have vehemently argued before this Court, that since Annexure P-4 which is a letter addressed by the Land Acquisition Officer concerned, to the Director, Urban Estate, Haryana and wherein, there is a speaking that the present petitioner filed objections for claiming release of the subject lands, and yet the said objections becoming summarily dismissed, on the ground, that the subject property was not amenable to be released on the ground that it was the outer boundary of the block. They further submit that since in terms of the relevant policy, the said construction was existing prior to the issuance of a notification under Section 4 of the Act of 1894, therefore the subject construction becomes amenable to become released to the present petitioner.

8. The above argument is also a mis-founded argument, as admittedly the present petitioners are not the lawfully recorded owners of the subject constructions, but as declared in Annexure P-6, they are merely tenants under the lawfully recorded landowner one Madan Lal, besides as declared in Annexure P-6 they are only entitled, thus as persons interested thus to compensation in the quantum as declared therein.

9. In consequence, since therebys the tenant on the subject constructions who was but the predecessor-in-interest of the present petitioners, was not entitled to claim release of the subject constructions, as the said right became invested only in the lawfully recorded owner of the subject constructions nor therebys the present petitioners are entitled to releases of subject lands being made in their favour.



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10. Further, any claim as raised in the instant writ petition, that the subject constructions are to be endowed the benefit of Section 24(2) of the Act of 2013, is also not amenable to be raised before this Court by the petitioners, who have as stated (supra), do have no any *locus standi* to claim release of the subject lands, thus through theirs claiming the makings of a lapsing declaration under Section 24(2) of the Act of 2013.

11. In the light of the above, the contention reared before this Court by the learned counsels for the petitioners rather has no merit, and, is rejected as such. In consequence, the instant writ petition stands dismissed.

(SURESHWAR THAKUR)
JUDGE

22.05.2024
Ithlesh

(SUKHVINDER KAUR)
JUDGE

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