



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

CWP No.17640 of 2018

Date of Decision: 29.07.2024

Bhag Singh & Ors.

...Petitioners

Versus

State of Punjab & Ors.

...Respondents

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

Present:- Mr. G.S. Goraya, Advocate,
for the petitioners.

Ms. Arundhati Kulshreshtha, AAG, Punjab.

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G.S. SANDHAWALIA J. (Oral)

The present writ petition has been filed for quashing the notification dated 06.01.1977 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (for short '1894 Act') and resultant notification dated 20.01.1978 (Annexure P-2) issued under Section 6 of the 1894 Act for acquisition of land for a public purpose, i.e 'Excavation of Banur Drain' .

2. It is argued by the learned counsel for the petitioners that the impugned notifications have lapsed in view of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (for short '2013 Act'). The State filed its reply in which it has been mentioned that the petitioners are subsequent purchasers of the land after the impugned notifications under Sections 4 & 6 of 1894 Act



were issued and have taken undue advantage of non-updation of the revenue records. Furthermore, the private respondents No.4 and 5 have received the payments due to them as per the Award and the details of payments made to them are appended along-with the reply as Annexure R-1. The Award is stated to have been announced on 08.08.1978 and the possession was subsequently taken on 22.05.1985 vide mutation No.648. It has also been mentioned that the land in question has been utilized after taking the possession of the same.

3. During the course of arguments, it transpires that the petitioners have succeeded against the private respondents for redressal of their grievances in separate proceedings and have been duly compensated regarding the same chunk of land which is subject matter of acquisition which has been now challenged in the instant writ petition.

4. Keeping in view the above-facts, we find that the compensation has duly been taken by the original land-owners and the possession has also been delivered and the land is also being utilized for the purposes for which it was acquired. Resultantly, the petitioners have no locus-standi to raise challenge to the acquisition proceedings at this belated stage on the ground of lapsing as has been held in Indore Development Authority vs. Manoharlal and others, (2020) 8 SCC 129. Accordingly, the present writ petition is dismissed.

(G.S. SANDHAWALIA)
JUDGE

July 29, 2024
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No