



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.25041 of 2016
Date of Decision: 26.07.2024

Rajinder Kumar Jain
...Petitioner

Versus

The State of Haryana and others
...Respondents

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

Present:- None.

G.S. Sandhawalia, J.(Oral)

The matter has been remanded vide the order passed by the Apex Court on 05.03.2024 to decide the issues other than the one covering the field in **Indore Development Authority vs. Manoharlal and others, (2020) 8 SCC 129.**

2. We have perused the said file.
3. The present Writ Petition was filed in the year 2016 and challenge herein is to the acquisition proceedings which were initiated way back vide notification dated 08.02.1989 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (for short, the 'Act') and the subsequent notification dated 07.02.1990 (Annexure P-3) issued under Section 6 of the Act and the award dated 23.01.1992 (Annexure P-4). The land in question is situated in Village Shahpur Hadbast No.125 and Village Nanhera Hadbast No.104, Tehsil and District Ambala and was acquired for the public purpose of development and utilization of land as residential,



commercial and industrial area of Sectors 10 & 11, Ambala Cantt. The relief claimed is on the strength of the controversy which had arisen regarding the lapsing issue in view of Section 24(2) of the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013.

4. The petition filed after 22 years of the land having vested in the State is solely based on the case of **Pune Municipal Corporation and anr. vs. Harakchand Misirimal Solanki and ors., (2014) 3 SCC 183.** The averments made are that the petitioner was not aware of the acquisition of his 9 kanal of land and only came to know when he went to the village in 2016 to attend a marriage and that the land is lying vacant.

5. The Apex Court while allowing the appeal of the State, i.e **Civil Appeal No.3844 of 2024** titled **State of Haryana & ors. vs. Rajinder Kumar Jain**, decided the issue and allowed the appeal and set-aside the earlier order passed by this Court on 27.11.2017 and therefore, the issue that the possession has not been taken, already stands settled and decided.

6. As noticed, there is nothing, on merits as such, in the instant petition, which requires consideration. The Writ Petition is solely based on the issue of lapsing, which already stands settled in case of **Indore Development Authority (supra)**. Accordingly, we do not find any merit in the present Writ Petition and the same is dismissed accordingly.

(G.S. SANDHAWALIA)
JUDGE

26.07.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
No