

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2024:PHHC:126734-DB



1. CWP-5185-2014 Date of Decision: 24.09.2024

Ujagar Singh --Petitioner
Versus
State of Punjab & others --Respondents

2. CWP-14118-2014

Surjit Kumar @ Surjit Singh & others --Petitioners
Versus
State of Punjab & others --Respondents

3. CWP-14139-2014

Jarnail Singh --Petitioner
Versus
State of Punjab & others --Respondents

4. CWP-14141-2014

Babu Ram & others --Petitioners
Versus
State of Punjab & others --Respondents

5. CWP-14912-2014

Shamsher 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 petitioners.

Mr. Shekhar Verma, Addl. A.G., Punjab.

Mr. R.S. Khosla, Sr. Advocate with
Ms. Ishrat Phulka, Advocate for PUDA.

G.S. SANDHAWALIA.J (Oral)

1. This order shall dispose of the aforementioned five writ petitions as common issue is involved therein.
2. Prayer made in these petitions is for quashing the notification dated 21.02.2000 (Annexure P-4) issued under Section 4 of the Land Acquisition Act, 1894 (for short the Act), the consequent notification dated 02.02.2001 (Annexure P-5) issued under Section 6 of the Act as also the Award dated 17.05.2001 (Annexure P-5) pertaining to land comprised in Khasra No.107//19 (8-0) in village Sohana, Tehsil & District Mohali.
3. It is admitted case of the petitioners that they have also received some compensation and have also filed one reference under Section 18 of the Act which was also decided vide award dated 13.08.2009. One RFA No.5575-2010 against the award dated 13.08.2009 was dismissed vide order dated 11.05.2011. The petition(s) have been filed on the strength of lapsing proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short '2013 Act') after considerable delay of 13 years are not liable to be entertained, since the petitioners have agitated for their rights for enhanced compensation before the Reference Court. Thus, reliance can be placed upon the observations made in **Indore Development Authority Vs. Manoharlal & others, AIR 2020 SC 1496** regarding the consequences of pursuing the remedy for higher compensation in Court. Relevant portion of the said judgment reads as under:-

“224. Thus, in our opinion, the word "paid" used in [Section 24\(2\)](#) does not include within its meaning the word “deposited”, which has been used in the proviso to [Section 24\(2\)](#). [Section 31](#) of the Act of 1894, deals with the deposit as envisaged in

Section 31(2) on being 'prevented' from making the payment even if the amount has been deposited in the treasury under the Rules framed under Section 55 or under the Standing Orders, that would carry the interest as envisaged under Section 34, but acquisition would not lapse on such deposit being made in the treasury. In case amount has been tendered and the landowner has refused to receive it, it cannot be said that the liability arising from non-payment of the amount is that of lapse of acquisition. Interest would follow in such a case also due to non-deposit of the amount. Equally, when the landowner does not accept the amount, but seeks a reference for higher compensation, there can be no question of such individual stating that he was not paid the amount (he was determined to be entitled to by the collector). In such case, the landowner would be entitled to the compensation determined by the Reference Court."

Thus, keeping in view the above, challenge as such cannot be raised to the acquisition proceedings by the landowners, at a belated stage, who have availed their remedy before the Reference Court. Resultantly, there is no merit in these writ petitions and same are hereby dismissed.

(G.S. SANDHAWALIA)
JUDGE

24.09.2024
lucky

(MEENAKSHI I. MEHTA)
JUDGE

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