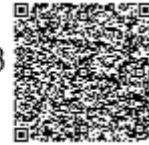


**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

2024:PHHC:126868-DB



CWP-7959-2014

Date of Decision: 24.09.2024

Tara Devi

--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 petitioner.

Ms. Arundhati Kulshrestha, AAG Punjab.

Mr. Shekhar Verma, Advocate for
respondent no.3-GMADA.

G.S. SANDHAWALIA.J (Oral)

1. Prayer in the present petition 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') as also the consequent notification dated 02.02.2001 (Annexure P-5) under Section 6 of the Act and award dated 17.05.2001 (Annexure P-6) in view of provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short the 2013 Act).

2. Short reply on behalf of respondent no.3-PUDA has been filed today in Court. Same is taken on record. Copy furnished to counsel opposite.

3. The averments are that petitioner is owner of land measuring 1 marla in village Sohana on which a shop has been constructed and the

husband of the petitioner was original owner of another 1 marla adjoining land, as per revenue record Annexure P-1. Husband of the petitioner is stated to have died on 25.03.2014 and challenge has been made to the acquisition proceedings after issuing Section 4 notification.

4. We have perused the photographs appended in support of the construction, which goes on to show that the same has not even a regular roof and is only a tin shed, which could have been erected at any point of time in one day. In our considered opinion firstly there is a delay in filing the present writ petition, as the same has been filed after 14 years of the Section 4 notification.

5. In the reply filed, it has been mentioned that the land falling in Khasra No.81//21 of village Sohana was acquired vide notification dated 21.02.2000 and the award dated 17.05.2001 was passed and Rapat No.478 dated 17.05.2001 to this effect was got entered in favour of PUDA (GMADA). It has been submitted that amount of compensation payable to the petitioner has also been deposited by the Land Acquisition Collector, Urban Development, S.A.S Nagar in Govt. Treasury. The same has, however, not been withdrawn. Thus, it is apparent that challenge had been raised at a belated stage only in the year 2014, when the Act of 2013 came into force and after the possession having been taken over in 2001. Thus, we cannot give any right to the petitioner to challenge the acquisition proceedings on the strength of the provision of Section 24(2) of the Act of 2013, which has now been clarified by the Constitution Bench in case of **Indore Development Authority Vs. Manoharlal and others, AIR 2020 SC 1496.**

6. In view of the above, the present writ petition is, accordingly, dismissed with liberty to the petitioner to withdraw the compensation.

(G.S. SANDHAWALIA)
JUDGE

24.09.2024
lucky

(MEENAKSHI I. MEHTA)
JUDGE

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