

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024.PHHC.121791-DB



(210)

CWP-9451-2016
Decided on :16.09.2024

Sudesh and others

...Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

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

Present: None for the petitioners.

Mr. Ankur Mittal, Addl. AG, Haryana &
Mr. Saurabh Mago, DAG, Haryana.

G.S. Sandhawalia, J.(Oral)

1. Challenge in the present writ petition filed under Article 226 of the Constitution of India is to the notification dated 17.11.2005(Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (for short '1894 Act') and to the subsequent notification dated 07.02.2006(Annexure P-2) issued under Section 6 of the said Act. Prayer has also been made for directing the respondents to consider the case and to release the land measuring 8 kanals falling in village Asawarpur, Tehsil & District Sonapat, as per Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short '2013 Act').
2. Earlier the case was disposed on 27.10.2016, in terms of the order passed in **CWP No.21837 of 2012 'Rajbir Singh and others Vs. State of Haryana and others'**, by giving the right to the State to acquire the land again

on account of the finding recorded that the compensation amount has not been paid, as per averments made in paragraph No.9 of the writ petition. The matter is now listed again, being remanded by the Apex Court, in view of the order dated 05.03.2024 passed in **Civil Appeal No.3846 of 2024 ‘State of Haryana and others Vs. Sudesh and others’**, whereby directions have been issued to decide the matter in view of the judgment of the Constitutional Bench passed in **Indore Development Authority Vs. Manoharlal and others, (2020) 8 SCC 129**.

3. As per the stand of the State, objections filed under Section 5A of the 1894 Act were, accordingly, rejected as the land was vacant at the time of issuance of Section 4 notification. The Award was passed on 02.03.2006(Annexure P-3), since the land was acquired for development and utilization of the land as Residential and Commercial and Institutional Sectors 65 to 68, Sonapat. The Rapat Roznamcha No.71 of even date was also entered. The entire amount of the Award of Rs.334,90,10,540/- had been tendered before the Land Acquisition Collector, Rohtak and out of which Rs.260,58,18,572/- have already been disbursed amongst the landowners and the balance compensation of Rs.74,31,91,968/- is lying deposited in the account of Land Acquisition Collector and the landowners are, thus, at liberty to receive the said compensation. The land is stated to be affecting the constructed houses as per the planning report and copy of layout plan is annexed as Annexure R-2.

4. Keeping in view the above, we are of the considered opinion that the twin conditions of Section 24 having not been satisfied, the matter would be covered by the judgment of the Constitutional Bench passed in **Indore**

Development Authority (supra). Resultantly, there is no merit in the present writ petition and same is hereby dismissed, since it has been pleaded that the land of the petitioners is affecting constructed houses as per the planning report and, therefore, the essentiality for the same for planned development is to be kept in mind.

(G.S. SANDHAWALIA)
JUDGE

16.09.2024
Naveen

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No