

2024:PHHC:117142-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(102)

CWP-29433-2018

Decided on : 06.09.2024

Kamlesh & others

.....Petitioner(s)

Versus

Land Acquisition Collector, Rohtak & others

.....Respondent(s)

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

Present: None for the petitioner (s).

Mr.Ankur Mittal, Addl.A.G., Haryana
Mr. Saurabh Mago, DAG, Haryana.

Mr. Ankur Mittal, Advocate and
Ms. Kushaldeep K. Manchanda, Mr.Siddhant Arora, Advocates
for respondent-HSVP.

G.S. Sandhawal, J.(Oral)

1. The present writ petition, filed under Article 226/227 of the Constitution of India, seeks the benefit of lapsing under Section 24(2) of the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013. The award had already been passed on 29.12.2004 (Annexure P-3). The land in question is stated to be situated in Hadbast No.67, Khewat No.38 & 37, Khatauni No.41 & Murba No.71/3, for land measuring 8 kanals 18 marlas and Hadbast No.67, Khatauni No.42, Khewat No.39 & 38, Murba No.71/4/1, for land measuring 5 kanals, total measuring 13 kanals 18 marlas, falling in Village Pada District Rohtak.

2. The matter had been kept pending only on account of the issue before the Apex Court, which has now been finally settled in **Indore**

Development Authority Vs. Manoharlal & others, AIR 2020 SC 1496.

3. In the reply filed, apart from the delay aspect, it had been mentioned that the entire compensation for the acquired land, which was for the purpose of development and utilization of the land as residential, transport and communication of Sectors 4 & 5, Rohtak has been deposited. A total compensation to the tune of Rs.34,68,85,977/- had been deposited and Rs.24,62,84,468/- had been disbursed to various landowners. The balance amount of Rs.10,06,01,509/- was lying deposited with the LAC. It was further mentioned that possession had already been taken vide Rapat Roznamcha No.444 dated 29.12.2004 and therefore, the test laid down in Indore Development Authority (supra) has been duly satisfied.

4. It is also mentioned that out of the total land of 8 kanals 18 marlas, falling in Khasra No.71//3, only 7 kanals 2 marlas was acquired and 6 kanals of land had already been released. The balance of the land is stated to be effecting Group Housing site and a primary school site. It has also been mentioned that the petitioners are co-sharers along with 15 others out of which six landowners have taken compensation.

5. It is pertinent to notice that there was never any interim order in favour of the landowners and having secured the release of land, it seems that the petitioners have lost interest in the present litigation. Resultantly, we dismiss the present writ petition in view of the law laid down by the Apex Court in Indore Development Authority (supra).

(G.S. SANDHAWALIA)
JUDGE

06.09.2024
Sailesh

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned : Yes
Whether Reportable : No