

2024:PHHC:091087-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101)

CWP-29435-2018

Decided on: 19.07.2024

Randeep Malhan & 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.

G.S. Sandhawalia, J. (Oral) :

1. Challenge in the present writ petition, filed under Article 226/227 of the Constitution of India is to the notification dated 04.01.2002 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (for short, the 'Act') and the subsequent notification dated 31.12.2002 (Annexure P-2) issued under Section 6 of the Act for acquisition of the land of Village Para Hadbast No.67 and Village Bohar, Hadbast No.68, Tehsil & District Rohtak, for the development and utilization of land as residential, transport, communication in Sectors 4 & 5, Rohtak. Prayer is also made for release of the land of the petitioners on the ground that there has been delay in acquisition and the same has been deemed to be lapsed in view of Section 24(2) of the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013.

2. As per the response filed on behalf of respondents No.1 to 3, there were two awards dated 29.12.2004 of Village Para & and dated 29.12.2004 of Village Bohar and possession was taken vide two Rapat Roznamcha no.444 dated 29.12.2004 and no.445 dated 29.12.2004 of Village Para and Rapat Roznamcha no.255 dated 29.12.2004 of Village

Bohar almost 2 dacades back and the land has thus vested with the Government, under Section 16, free from all encumbrances. Regarding the status of the compensation, it has been mentioned ‘Not taken’ and in certain cases, some of the petitioners have taken the amount, and thus the amount stood duly deposited.

3. In such circumstances, keeping in view the belated challenge being raised to the awards and the acquisition proceedings only on the strength of lapsing, the same is not liable to be entertained, keeping in view the law laid down by the Apex Court in **Indore Development Authority Vs. Manoharlal & others, AIR 2020 SC 1496**. The response filed only goes on to show that symbolic possession had been taken on depositing of the compensation amount and then the land has been acquired and therefore, there is no infirmity in the procedure followed. It is also pertinent to mention that arguing counsel for the petitioners did not put in appearance on the last two occasions and today, the position is the same.

4. Accordingly, in view of the above discussion, the present writ petition is dismissed. It is open to the landowners to pick up the compensation wherein it has not been taken so far.

(G.S. SANDHAWALIA)
JUDGE

19.07.2024
Sailesh

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No