

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024.PHHC.113724-DB



(119)

CWP No.21782 of 2024
Decided on : 02.09.2024

Precious Kulwant Kelson

.....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: Mr. M.L. Sharma, Advocate,
Ms. Meenakshi Sharma, Advocate &
Mr. Sushil Kumar Sharma, Advocate for the petitioner.

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

Mr. Ankur Mittal, Advocate with
Ms. Kushaldeep K. Manchanda, Advocate&
Mr. Siddhanth Arora, Advocate for the respondent-HSVP.

G.S. Sandhawalia, J.(Oral)

1. Challenge in the present writ petition filed under Articles 226/227 of the Constitution of India is to the acquisition proceedings which were initiated on 16.03.1999(Annexure P-6) under Section 4 of the Land Acquisition Act, 1894 (for short the 1894 Act) and the subsequent notification issued under Section 6 of the said Act dated 15.03.2000 (Annexure P-7), wherein land measuring 747.69 acres was sought to be acquired from the village in question.The Award having been passed on 22.12.2023 (Annexure P-16) is sought to be quashed on the ground that the petitioner being owner of 1 kanal 10 marlas of land, out of a larger chunk of land measuring 25 kanals 12 marlas, having share of 27/512 falling in village Saketri, Tehsil& District Panchkula.

2. Apparently, the petitioner had not challenged the acquisition proceedings earlier when the said proceedings had been challenged on three different occasions. Thus, challenge is also raised to the orders passed by the High Powered Committee on 21.10.2014 (Annexure P-11) after 10 years, primarily on the ground that the Award had been pronounced after the lapse of statutory period.

3. The case may have a checkered history, but the facts can be discussed and summarized, in view of the settled legal position that on account of any order in favour of similar landowners, the challenge cannot be as such raised, at a belated stage, which is the settled position of law. One can take into account the judgment of the Three Judge Bench in **State of Maharashtra and others Vs. M/s Moti Ratan Estate and another, AIR2019 (SC) 4149**, which also discussed the judgment passed in **Yusufbhai Noormohmed Nendoliya Vs. State of Gujarat, (1991) 4 SCC 531**, on which the petitioner has also placed reliance. In further string of authorities, in **Faizabad-Ayodhya Development Authority Vs. Dr. Rajesh Kumar Pandey and others, AIR 2022 SC 2558**, the said proposition has further been crystalized, apart from the observations made in **HSIIDC and others Vs. Deepak Aggarwal and others,(2023) 6 SCC 512** that if there was stay in favour of the landowners, they cannot seek any benefit on that account.

4. The factual matrix is apparent that the said proceedings were initially challenged way-back in a string of litigation and in **CWP No.6357 of 2000 'Balwan Singh Vs. State of Haryana and others'** the stay was granted on 22.05.2000. The Award initially had been passed on 09.10.2003(Annexure P-8) for land measuring 482.17 acres for the said village out of the 747.69 acres notified under Section 6. In **CWP No.12510 of 2000 'Abhishek Gupta Vs. State of Haryana and another'** decided on 15.07.2008 (Annexure P-9),

certain set of landowners were successful in getting the Section 4 proceedings quashed, which is now subject matter of challenge before the Apex Court in **Civil Appeal Nos.7420-7421 of 2010 ‘Haryana Urban Development Authority Vs. Abhishek Gupta etc.’**, in which judgment has been reserved on 01.05.2024(Annexure P-14).

5. Another set of landowners then approached this Court in bunch of cases, seeking release, with lead case **CWP No.12848 of 2000 ‘Jasbir Singh Siali Vs. State of Haryana and others’** in which orders were passed on 12.08.2011(Annexure P-10) that the High Powered Committee would take a decision on the grounds which had been taken and status-quo regarding possession was to be maintained. The order now challenged by the present petitioner was passed by the High Power Committee on 21.10.2014 (Annexure P-11), which was also challenged by another set of landowners along with notification in question in a bunch of cases, the lead case being **CWP No.16 of 2015 ‘Jarnail Singh and others Vs. State of Haryana and others’**, whereby 10 cases were decided. It is a matter of record that the said judgment has been pronounced on 16.12.2023(Annexure P-12) and while upholding the acquisition, further directions were issued by the Co-ordinate Bench to pass the Award forthwith, in terms of Section 11 of the 1894 Act. Relevant observations passed in the said case read as under:-

“112. In aftermath, this Court does not find any merit in all these writ petitions and the same are accordingly dismissed with costs of Rs.50,000/- to be borne in each of the writ petition by the proxy litigator, i.e. D.L.F. Ltd. The costs (supra), as encumbered upon the proxy litigator, namely, D.L.F. Ltd., is to curb the ill exercise, as embarked by it, thus for its achieving the ill purpose of land grabbing. The costs (supra) shall be deposited in favour of the High Court Legal Services Committee. The order dated 21.10.2014 passed by the High Powered Committee, and, the impugned notification and

declaration are affirmed and maintained. Furthermore, the acquiring authority is directed to forthwith pass an award in terms of Section 11 of the Act of 1894.

113. Pending application(s), if any, stand disposed of accordingly.

6. It is further matter of record that the said writ petitioners have challenged the proceedings before the Apex Court in **SLP (C) No.8280 of 2024**, which was initially tagged alongwith Civil Appeal arising out of the judgment passed in the case of **Abhishek Gupta (supra)** and has now been de-tagged, on account of judgment being reserved in that case, which would be clear from the orders dated 18.04.2024 (Annexure P-14). It is also apparent from the pleadings that the petitioner is a co-sharer and other co-sharers had challenged the said proceedings in **Jarnail Singh (supra)** and now the present petitioner has been projected and put forward to further stall the proceedings, since no interim order has been passed by the Apex Court, after the orders passed this Court. The Award has also been passed on 22.12.2023 (Annexure P-16), in pursuance of the directions issued by the Co-ordinate Bench. A perusal of the Award would go on to show that a further area of 184.975 acres is now sought to be acquired in the acquisition, which would bring the total amount of land acquired by passing the Award to 666 acres out of 747.69 acres, balance of which is still held up on account of stay orders passed in various other cases.

7. The argument, thus, raised that the acquisition proceedings would lapse, has already been decided by the Co-ordinate Bench by placing reliance upon the judgment passed in **M/s Moti Ratan Estate (supra)**. In **Faizabad-Ayodhya Development Authority (supra)** the issue has been decided that in case there are interim orders passed by Courts, the landowners cannot get the benefit of the intervening period and, therefore, no useful purpose as such

would be served to consider the said argument, as the position of law has already been laid down. The landowner having chosen not to challenge the speaking order dated 21.10.2014 (Annexure P-11) for a period of a decade, thus, would have no cause of action, only on account of the passing of the Award dated 22.12.2023(Annexure P-16), in pursuance of the directions issued by the Co-ordinate Bench. It is settled principle of law that delay and laches would stand in way, as has been held time and again by the Apex Court. Reliance can be placed upon the judgment passed in **Municipal Corporation of Greater Bombay Vs. The Industrial Development & Investment Company Pvt. Ltd., 1996 (11) SCC 501, Jasveer Singh & others Vs. State of U.P. & another, 2017 (6) SCC 787 and Government of A.P. & others Vs. Kollutla Obi Reddy & others, AIR 2006 SC 642.**

8. In such circumstances, once the landowner has chosen to sleep over her rights,merely on account of the dismissal of the connected matters and since the authorities have passed the Award, as per the directions issued, no further cause of action would arise in favour of the present petitioner. Resultantly, the present writ petition is dismissed. Since the present writ petition is dismissed in *limine*, we do not impose any costs.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

02.09.2024
Naveen

Whether speaking/reasoned :	Yes
Whether Reportable :	No