

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

CWP-7987-2018

Reserved on: 18.04.2024

Pronounced on: 29.04.2024

DHARMENDRA AND OTHERS

.....Petitioners

Versus

STATE OF HARYANA AND OTHERS

....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE LALIT BATRA**

Argued by: Mr. Dinesh Saini, Advocate
for the petitioners.

Mr. Ankur Mittal, Addl. A.G., Haryana with
Mr. P.P.Chahar, Sr. DAG, Haryana and
Mr. Saurabh Mago, DAG, Haryana.

SURESHWAR THAKUR, J.

1. Through the instant petition, the petitioners seek the quashing of order dated 15.09.2017 (Annexure P-6) as passed by the Administrator, HUDA, on the representation made by the petitioners qua release of the subject lands.

2. The above espoused writ claims become founded upon the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act of 2013'), whereunders the petitioners become empowered to claim the making of a lapsing declaration.

3. The acquisition notification(s) dated 26.08.2003 (Annexure P-1) and dated 10.08.2004 (Annexure P-2) respectively became issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short called as the 'Act of 1894').

4. The present petitioners would be entitled to the espoused writ relief(s), as relates to this Court, thus declaring rather lapsed the extantly drawn acquisition proceedings, but only when the provisions embodied in Section 24(2) of the 'Act of 2013', become proved to become breached by the respondents. However, for the reasons to be assigned hereinafter, the asked for relief qua the making of a lapsing declaration rather cannot be accorded by this Court.

5. Primarily for the reason, that the present petitioners would be entitled to coax this Court to declare the launching of the acquisition proceedings under the Act of 1894, to thus become lapsed, but only when the respondent-State, rather had completely failed to, in terms of the verdict rendered by the Constitutional Bench of the Hon'ble Apex Court in ***Indore Development Authority versus Manohar Lal and others, reported in (2020) 8 SCC 129***, adduce sufficient/clinching discharging evidence, in respect of the duo parameters, inasmuch as, (i) qua rapat possession being made over the acquired lands, (ii) and, qua the compensation, as became determined by the Collector concerned, becoming deposited for therebys its becoming available for being released to the land losers concerned, besides the said events evidently happening before the coming into force of the 'Act of 2013'.

6. To determine the above, it is necessary to refer to the reply on affidavit, already on record. A reading of the paragraph no. 8 of the

said reply on affidavit, reveals, that possession over the acquired lands became assumed through rapat roznamcha No. 702 dated 04.08.2006.

7. Moreover, when it is further indicated in the reply, on affidavit, furnished to the writ petition, by the respondent concerned, that despite the total amount of assessed compensation, under award dated 04.08.2006 becoming tendered, yet the petitioners not seeking disbursement(s) thereof, and the same is lying deposited with the LAC, for therebys it becoming available for becoming released to the land losers concerned.

8. In consequence, since both the above events took place prior to the coming into force of the 'Act of 2013', resultantly, in terms of the verdict recorded by the Hon'ble Apex Court in **Indore Development Authority's case (supra)**, the present petitioners are not entitled to make any espousal before this Court, that a lapsing declaration be made in terms of Section 24(2) of the 'Act of 2013'. In sequel, the above made writ claim is declined.

9. The further reason for declining the writ relief to the petitioners is grooved in the factum that at the time of issuance of Section 4 notification, the petitioners were not the recorded owners of the land in question rather the same was owned by Gram Panchayat Village Nathupur besides the petitioners were cultivators over the petition lands. Therefore, also the present petitioners have no *locus standi* to maintain the instant petition excepting that if they are proven as cultivators over the disputed lands, thereby theirs being the persons interested in the compensation amount, thus may seek the apportionment(s) thereof, and as such theirs ventilating the said

10. Furthermore, the petitioners have earlier filed CWP-13778-2015 before this Court claiming a similar relief, as made in the instant writ petition. The said writ petition was disposed of through an order made by this Court on 13.07.2015, with liberty to the petitioners to file representation before the respondents by raising all the pleas as raised in the instant writ petition.

11. The said representation became dismissed by the respondent concerned, vide speaking order dated 15.09.2017 (Annexure P-6). Though, the petitioners herein through the instant writ petition makes a challenge to Annexure P-6. However, when the said order (Annexure P-6), is a well informed and reasoned order and is not cryptically drawn besides for reasons (supra), this Court does not deem it fit and appropriate to quash Annexure P-6 or accord the espoused relief to the petitioners.

12. Moreover, the plea of the petitioners qua theirs still lawfully retaining the possession over the subject lands, is a misfounded plea, as, the occupation of the petitioners, over the subject lands rather is as trespassers thereovers and the petitioners are required to be lawfully evicted therefrom.

13. Conspicuously also since it has been stated, in the reply on affidavit, already on record, that the subject lands are an integral component of the layout plans, thereby when they are facilitating the relevant public purposes. Consequently, when public purpose than the individualistic interest is rather to be furthered. Resultantly, this Court finds no merit in the instant petition, and, is constrained to dismiss it.

Final Order of this Court.

14. In aftermath, this Court finds no merit in the writ petition, and, with the above observations, the same is dismissed. The impugned notification(s), and consequent thereto award are maintained and affirmed.

15. No order as to costs.

16. Since the main case itself has been decided, thus, all the pending application(s), if any, also stand(s) disposed of.

(SURESHWAR THAKUR)
JUDGE

(LALIT BATRA)
JUDGE

29.04.2024
kavneet singh

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No