



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.8226 of 2018
Date of Decision: 02.09.2024

Bhim Singh and others
...Petitioners

Versus

State of Haryana and another
...Respondents

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

Present:- Mr. Divyam Singh, Advocate for
 Mr. Vikram Singh, Advocate
 for the petitioners.

 Mr. Ankur Mittal, Additional A.G., Haryana with
 Mr. Saurabh Mago, D.A.G., Haryana
 for the respondents.

G.S. Sandhawalia, J.(Oral)

Short reply by Bhajan Lal, Block Development and Panchayats Officer, Bawani Khera, has been submitted on behalf of the respondents in the Court today and the same is taken on the record.

2. In compliance of the orders dated 02.07.2024 and 11.07.2024, cost of Rs.5000/- each has been deposited with the Punjab and Haryana High Court Bar Clerks Association and the photocopy of the same has been placed on the record.
3. The release of the land has been sought by the petitioners, in view of Section 24(2) of the Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, ‘the 2013 Act’) on the ground that the petitioners are still in possession. The land is stated to be 06 Marlas falling in Khasra No.30//8/2 situated at Village Sumrakhera, Tehsil Bawani Khera, District Bhiwani on the strength of sale-



deed dated 21.06.1977. The notification in question under Section 4 of the Land Acquisition Act, 1894 was issued on 21.11.1980 for acquiring 16 Marlas of land and thereafter, as per the pleadings itself, the Award has also been passed. The claim as such by the landowners is that the compensation has also been received and the petitioners are ready to deposit the same back as the land was never used for the purpose for which the same was acquired and they are still in physical possession.

4. The proceedings had been kept pending due to the controversy arising out of the 2013 Act which finally stand settled by the Constitution Bench of the Apex Court in **Indore Development Authority vs. Manoharlal and others, (2020) 8 SCC 129.**

5. A perusal of the reply filed by the Block Development and Panchayats Officer, Bawani Khera, would go on to show that the acquisition was made to provide a path to reach the well but the same went out of working and admittedly, the compensation has already been received and the possession has been taken by the Gram Panchayat vide Rapat No.383 dated 14.07.1982 and therefore, both the ingredients are not present as such to claim lapsing of acquisition under Section 24(2) of the 2013 Act.

6. In such circumstances, learned counsel for the petitioners is not in a position to press the present petition, in view of the law settled by the Apex Court as the land is already vested in the State.

7. Resultantly, the present writ petition stands dismissed.

(G.S. SANDHAWALIA)
JUDGE

02.09.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*