

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

115

2024.FHHC 112587-D3



**CWP No.21486 of 2024
Date of Decision: 30.08.2024**

Vidya Devi

...Petitioner

Versus

State of Haryana & others

...Respondents

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

Present:- Mr. Neeraj Saini, Advocate, for the petitioner.

Mr. Ankur Mittal, Additional AG, Haryana
Mr. Saurabh Mago, DAG, Haryana.

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G.S. SANDHAWALIA J. (Oral)

Challenge in the present writ petition, filed under Articles 226 & 227 of the Constitution of India, is for issuance of a writ in the nature of certiorari for quashing the acquisition proceedings dated 20.01.2003 (Annexure P/2) under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') whereby land was acquired for the utilization and development of land for residential and commercial purposes as Sectors 8-19, Sonipat by HUDA. The said notification was followed by notification dated 16.01.2004 (Annexure P/3) issued under Section 6 of the Act. Award No.7 for the year 2006-2007 dated 11.01.2006 (Annexure P/4) was also passed which is also subject matter of challenge.

2. The challenge is solely on the ground that 80% of the area has been released on account of licence to the various developers. The petitioner is owner in possession of land measuring 3 kanals, 07 marlas compromised in

Khewat No.49, Khatauni No.49 Killa No.222 Chahi situated within the revenue estate of village Raipur. As per pleadings, it is clear as such, that the petitioner has also picked up the compensation as awarded. An averment has been made that the physical possession of the land has not been taken. If that is so, the petitioner has been continuing in possession as unauthorised occupant and the land stood vested in the State under Section 16 of the Act after passing of the award.

3. In **Municipal Corporation of Greater Bombay Vs. The Industrial Development & Investment Company Pvt. Ltd., 1996 (11) SCC 501**, the Learned Single Judge dismissed the challenge raised to the acquisition proceedings and the landowners approached the High Court after 4 years of the passing of the award and the possession having been taken. The Learned Single Judge dismissed the writ petition on the ground of laches. The Division Bench had interfered, which in appeal, was set aside by the Apex Court by holding that the fence-sitters could not be permitted to challenge the acquisition proceedings once the acquired land got vested in the State Government and the Municipal Corporation free from all encumbrances.

4. Similar view had been taken in **Jasveer Singh & others Vs. State of U.P. & another, 2017 (6) SCC 787** wherein the award was made in the year 1986 and the writ petition had been filed seeking quashing of the acquisition proceedings in December, 2005. In such circumstances, it was held that the view taken by the High Court does not suffer from any infirmity and the appeal was dismissed.

5. Similar view had also been taken in **Government of A.P. & others Vs. Kollutla Obi Reddy & others, AIR 2006 SC 642** wherein challenge had been raised to the acquisition proceedings for Nagarjuna Sagar

Project. The acquisition proceedings had been initiated in 1956 and the

pending litigation had been decided while noting that the possession had been taken in the year 1980-84 and fresh petitions in 1997, praying for similar directions as had been made at an earlier point of time for the awards, for enhancement of the market value in accordance with the Nagarjuna Act, was uncalled for, on account of the delayed challenge to the notification. The said principle would also be applicable herein.

6. At this stage, after eighteen years, we are not inclined to entertain the present petition in the absence of the builders/developers to whom licences have been granted but have not been impleaded as party as such. Neither any averment has been made by the writ petitioner whether she further agitated for enhanced compensation by filing petition under Section 18 of the Act.

7. Once the petitioner did not approach this Court for availing her remedy in time, it is settled principle that law of limitation should be applied with all its rigour and the parties cannot raise a challenge at this belated stage only on the ground that in other cases, several land-owners got back possession especially when, the said persons therein had filed a petition in the year 2006 and so requisite order was passed on 04.02.2014 (Annexure P-7). Since then, a decade has gone by and this Court, in such circumstances, is not inclined to exercise its extraordinary powers under writ jurisdiction. Resultantly, the writ petition is dismissed in *limine*.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

August 30, 2024
Seema/sailesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No