

2024:PHHC:122074-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(107)

CWP-30971-2019

Decided on : 16.09.2024

Rohtash through Sh. Manish Sharma

.....Petitioner(s)

Versus

State of Haryana & others

.....Respondent(s)

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

Present: Ms.Khushbu Sood, Advocate, for
Mr.Rohit Gupta, Advocate for the petitioner (s).

Mr.Ankur Mittal, Addl.A.G., Haryana
Mr. Saurabh Mago, DAG, Haryana.

Mr.Ankur Mittal, Advocate
Ms.Kushaldeep Kaur, Advocate, for respondent No.3.

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 04.04.1998 (Annexure P-1) passed under Section 4 of the Land Acquisition Act, 1894 (for short, the 'Act'), subsequent declaration dated 06.04.1998 (Annexure P-2) and the award dated 15.07.1999 (Annexure P-4) issued under Section 6 of the Act, on the ground that the proceedings have lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (for short, the '2013 Act').

2. The matter had been adjourned sine-die, due to the pendency of the issue before the Constitution Bench of the Apex Court which has already decided the said issue in **Indore Development Authority Vs. Manohar Lal and others AIR 2020 SC 1496.**

3. A perusal of the application bearing CM-12421-CWP-2020 would go on to show that there has been reference to the said judgment that there would be no lapse of the proceedings and the compensation will have to be determined as under the 2013 Act. The twin condition of non-payment of compensation and possession having not been taken, have not been satisfied and rather alternative plea has been sought in the said application for allotment of a plot in the oustee quota.

4. Counsel for the petitioner, thus, does not press the present writ petition and prays for withdrawal of the same.

5. Ordered accordingly.

(G.S. SANDHAWALIA)
JUDGE

16.09.2024
Sailesh

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No