

2024:PHHC:131203-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-25614-2024 (O&M)

Decided on: 03.10.2024

Narender Kumar & othersPetitioner (s)
Versus
State of Haryana & othersRespondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN

Present:- Mr.Ram Bilas Gupta, Advocate for the petitioner (s).

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

Mr. Ankur Mittal, Advocate
Ms.Kushaldeep K.Manchanda, Mr.Siddhant Arora,
Advocates, for respondent-HSVP.

G.S. Sandhawalia, J. (Oral) :

1. Challenge in the present writ petition, filed under Article 226 of the Constitution of India is to the notifications dated 07.02.2008 (Annexure P-4) issued under Section 4 of the Land Acquisition Act, 1894 (for short, the 'Act') and dated 06.02.2009 (Annexure P-5) issued under Section 6 of the Act and the resultant award dated 04.02.2011 (Annexure P-16).

2. The petitioners are stated to be still in physical possession of the land falling in Rectangle/Killa No.18//14/1/2 measuring 1120 sq.yards (1 kanal 17 marlas) situated in Mauja Faridpur, District Faridabad, as per their own averment and stated to have purchased the land vide registered sale deed dated 08.02.1993. At this stage, after 16 years from Section 4 notification, the pleadings are that notice of the objections under Section 5-A of the Act were not issued to the petitioners. It is their own case that

in certain other cases where Section 5-A objections had been filed, the

land has been released. In such circumstances, the constructed portion having been released on account of filing of objections under Section 5-A, in case of other landowners, we do not feel that the acquisition proceedings can be challenged at this belated stage, on the ground of discrimination.

3. It is pertinent to notice that the acquisition in question was for Villages Bhatola, Murtezipur, Fajupur Majra, Neemka, Neemka, Faridpur and Baroli, Tehsil & District Faridabad, for development and utilization as residential and commercial Sectors 76 to 78, Faridabad and huge chunk of area was sought to be acquired for development of the said sectors. It would be clear that other persons have filed objections and land had been released way-back on 13.03.2008 (Annexure P-10) before issuance of Section 6 notification on account of objections filed under Section 5-A and on account of the construction raised and it is, thus, apparent that the petitioners have chosen to sleep over the issue.

4. The land measuring 59.95 acres of Village Faridpur, Hadbast No.99, Tehsil & District Faridabad was sought to be acquired whereby the market value of the land was assessed @ Rs.42 lakhs per acre (Rs.1716/- per sq.yard), at that point of time. We are aware that the other landowners had filed RFA-7108-2012 titled *Rampal & others (II) Vs. Land Acquisition Collector & another*, whereby 939 appeals were decided on 31.05.2019 after remand order from the Apex Court and the market value for the land falling in Village Faridpur was fixed @ Rs.1760/- per sq.yard, which comes to Rs.85,18,400/- per acre alongwith statutory benefits and the amount of compensation was fixed at the said amount. The matter was further taken to the Apex Court and the amount had been duly quantified

on 14.03.2022 in SLP (C) No(s).4599-4604/2021 titled *The State of Haryana & others Vs. Ramphal (Deceased) through his LRs* and therefore, the argument raised that compensation has not been granted, is without any basis. Since we are dismissing the writ petition at the threshold, we do not propose to impose exemplary cost for the belated challenge raised, as one of us (G.S.Sandhawalia J.) had decided the said Regular First Appeals. We have also seen the photographs of the plot in question which is a temporary cattle shed and there in not even pucca construction raised on the land in dispute which could have entitled it for release.

5. The argument now raised that some builder has been granted licence way-back in 2007 (Annexures P-10 & P-19), cannot now be agitated at this point of time. Resultantly, we hold that delay aspect would come into play while placing reliance upon **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.**

6. Resultantly, we do not find any ground to call upon the State to look into this issue, at this belated state. Accordingly, in view of the above discussion, the present writ petition stands dismissed in limine.

(G.S. SANDHAWALIA)
JUDGE

03.10.2024
Sailesh

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No

