

In the High Court of Punjab and Haryana at Chandigarh

[123]

CWP-37831-2018
Date of Decision: 14.02.2024

NARESH KUMAR AND OTHERS

..... PETITIONERS

VERSUS

STATE OF HARYANA & ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

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

Mr. Ankur Mittal, Addl. A.G. Haryana with
Mr. Saurabh Mago, DAG, Haryana.
Mr. Ankur Mittal, Advocate with
Mr. Kushaldeep K. Manchanda, Advocate and
Mr. Shivam Garg, Advocate for the HSVP.

SURESHWAR THAKUR, J. (ORAL)

1. The present petitioners pray for quashing of the Notification dated 27.08.1987, issued under Section 4 of the Land Acquisition Act, 1894 (Annexure P-1) (*hereinafter in short referred to as 'the Act of 1894'*). They also pray for the quashing of Notification dated 25.08.1988 (Annexure P-2), issued under Section 6 of the Act of 1894. The Award, as passed in consequence thereof, is also prayed to be quashed, and, set aside.
2. The above-made prayers become rested upon the provisions, as carried in Section 24(2) of the Right of Fair Compensation and Transparency in Land Acquisition Act, 2013 (*hereinafter in short referred to as 'the Act of 2013'*).
3. The learned counsel for the petitioners submits, that since there no sufficient discharging evidence becomes adduced by the respondents, thus, in satisfaction of *rapat possession*, being assumed by the Acquiring Authority over the acquired land, nor qua the determined compensation amount,

becoming available to be disbursed to the land losers concerned.

4. Resultantly, the learned counsel for the petitioners argues that in terms of the verdict rendered by the Hon'ble Apex Court in “Indore Development Authority Versus Manohar Lal and others”, to which SLP (Civil) Nos. 9036-9038 of 2016, has been assigned, the present petitioners are entitled to claim the benefit of Section 24 (2) of the Act of 2013.

5. However, the above-made prayers cannot be accepted, as a perusal of the signed-synopsis placed today before this Court by the learned State counsel, reveals that not only *rapat possession*, has been assumed over the acquired land, but also the compensation amount, as became determined under the Award made by the Land Acquisition Collector concerned, rather has not only being made available for disbursement thereof to the present petitioners, but also a large fraction thereof, has already been released to the land losers concerned. Therebys, there appears to be no merit in the instant writ petition, and, the same is required to be dismissed, as such.

6. In addition, the echoings made in the signed synopsis submitted today before this Court by the learned State counsel, reveal that the developmental work, which was to be carried out on the acquired land rather has already been completed, therefore, in the wake of the above, this Court is led to take a formidable view, that the instant writ petition is completely frivolous, besides is misconstituted, and, as such, the same is hereby dismissed.

(SURESHWAR THAKUR)
JUDGE

(SUKHVINDER KAUR)
JUDGE

February 14, 2024
ANJAL