

2024:PHHC:091119-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(105)

CWP-846-2019

Decided on: 19.07.2024

Ramgopal (now deceased) through his LR's

.....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: None for the petitioner (s).

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

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

1. Challenge in the present writ petition, filed under Article 226/227 of the Constitution of India, at the belated stage, is to the acquisition proceedings which were initiated vide notification dated 14.08.2003 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (for short, the 'Act') and the subsequent notification dated 10.08.2004 (Annexure P-4) issued under Section 6 of the Act. Similarly, the notification dated 30.12.2004 (Annexure P-5) issued under Section 9 of the Act and the award dated 27.07.2006 (Annexure P-6) for the land situated in Village Jhajjar Hadbast No.100 and Village Kamalgarh Hadbast No.102, Tehsil & District Jhajjar, being acquired for the public purpose of development and utilization of land as residential and commercial area of Sector 9, Jhajjar is under challenge. The relief claimed is on the strength of the controversy which had arisen regarding the lapsing issue in view of Section 24(2) of the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013.

2. The stand of the State is crystal clear to the extent that the land of the petitioner was vacant at the time of issuance of Section 4

notification. The possession of the acquired land was taken vide Rapat no.875 dated 27.07.2006 and mutation no.14795 dated 12.12.2011 was duly sanctioned in favour of the beneficiary department and possession was stated to be way-back in 2006 whereas the writ petition has been filed only in the year 2019. The compensation amount for the award in question was to the tune of Rs.50,42,20,497/- out of which Rs.45,81,77,953/- had been disbursed. Regarding the compensation amount in question of Rs.1,07,709/-, the same is lying available for disbursement and it is open to the petitioner to take necessary steps. The land in question statedly affects the site of 12 No. plot of 10 marla size, 3 No. 12 meter wide road and 45 meter wide sector dividing road as per the development plan which is essential for the public purpose.

3. A perusal of the photographs appended would also go on to show that the plot in question is partially constructed to the extent of a temporary shed over the larger area and due to non-utilization of the land of the area, request was made for release of the land on account of the development not being carried out. Once the award in question has been announced in July, 2006, the State has become owner of the land in view of Section 16 of the Act and the petitioners, thus, are in unauthorized possession. On account of the compensation amount having been deposited and symbolic possession having been taken, the belated challenge being raised to the acquisition proceedings is not liable to be entertained, keeping in view the law laid down by the Apex Court in **Indore Development Authority Vs. Manoharlal & others, AIR 2020 SC 1496**. It is also pertinent to mention that counsel for the petitioners did not put in appearance on the last date of hearing and today also, the position is the same.

4. Accordingly, in view of the above discussion, the present writ petition is dismissed.

(G.S. SANDHAWALIA)
JUDGE

19.07.2024
Sailesh

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No