IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

2024:PHHC:096949-DB

(105/3) **CWP-28131-2022**
Decided on : 31.07.2024

Chand Kaur and others ……Petitioner(s)

Versus

State of Haryana and others ……Respondent(s)

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

Present: Mr. Shailendra Jain, Senior Advocate with
Ms. Navneet Kaur, Advocate for the petitioner (s).

Mr. Ankur Mittal, Addl. AG, Haryana and
Mr. Saurabh Mago, DAG, Haryana.

Mr. Ankur Mittal, Advocate and
Ms. Kushaldeep Kaur Manchanda,
Advocate for respondent-HSVP.

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G.S. Sandhawalia, J.(Oral)

Prayer in the present writ petition filed under Articles 226/227 of the Constitution of India is for releasing of the land from the acquisition proceedings, as compulsory acquisition of the same is stated to be arbitrary qua respondent Nos.5 to 12.

2. A perusal of the writ petition would go on to show that the petitioners were owners of land measuring 99 kanals 11 marlas situated in the revenue estate of Village Mirjapur, Hadbast No.384, Tehsil Thanesar, District Kurukshetra. The notification in question was issued on 11.11.2003 (Annexure P-2) under Section 4 of the Land Acquisition Act, 1894 (for short '1894 Act'), whereby the land was sought to be acquired for the public purpose fordevelopment and utilization of the same as residential, commercial, institutional, agricultural andtraffic area for the development

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of theUrban Estate under the erstwhile Haryana Urban Development Authority Act, 1977. The objections had been filed under Section 5-A of the 1894 Act and the notification had then been issued under Section 6 of the said Act on 10.11.2004 (Annexure P-3).

3. It is not disputed that an award was also rendered on 08.11.2006 (Annexure P-4). The petitioners apparently have slept over their rights for 16 years and have not at any point of time agitated for their grievances for release of the lands and now seeking parity with respondent Nos.5 to 12, whose land was apparently released when the award was passed. The reason now with the petitioners themselves to claim release of the land is that similarly situated persons in CWP Nos.7980 and 9737 of 2012 were representing the respondents No.1 to 4 for release of the land, which we will decide vide a separate judgment, as the private respondents in that case have been agitating for their rights since long. This fact would be clear from paragraph No.6 of the writ petition, which reads as under:-

> "6. That the petitioners and other landowners i.e. petitioners in CWP No. 7980 of 2012 and CWP No.9737 of 2012, the details in those writ petitions will be given hereinafter, from the time of declaration under section 6 of the Act (Annexure P-3) till the award under section 11 was made, were throughout representing the respondent No.1 to 4 for releasing their lands from the subject acquisition proceedings and the petitioners and the other landowners/petitioners were given categoric assurance by the respondents No.1 and 4 that no award will be passed under section 11 of the Act and that their lands were going to be released from the acquisition proceedings. On representation by the petitioners and other landowners/petitioners to the Deputy Commissioner, Kurukshetra at local level, they were categorically assured by him thatno award was going to be

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made, as the respondent No.1, 3 and 4 were not interested in acquiring their lands."

4. It is the own case of the petitioners that the possession was taken on 08.11.2006 and the RoznamchaWakiyati No.119 (Annexure P-12) for the year 2006-2007 was also entered. It is, thus, apparent that after the passing of the award, the petitioners are rank encroachers in occupation of the land, which has vested in the State and now at this stage are trying to join hands with persons, who have been agitating for their grievances from the year 2008.

5. Keeping in view the above, we are of the considered opinion that merely because the land which was initially released and now had been acquired vide Award dated 22.09.2016 (Annexure P-28) would not give a separate cause of action to the petitioners, as they have never agitated for their grievances for all these long years. In such circumstances, we are not inclined to entertain the present writ petition at the hands of the litigants, who have slept over their rights. Resultantly, the present writ petition is dismissed.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

31.07.2024
Naveen

Whether speaking/reasoned : Yes
Whether Reportable : No

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