



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

(Sr. No.116)

CWP No. 11655 of 2025

Date of decision: 29.04.2025

Rajbir and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present : Mr. Rohan Moudgil, Advocate for the petitioner.

Mr. Ankur Mittal, Addl. A. G. Haryana with
Mr. Pradeep Chahar, Senior DAG, Haryana and
Mr. Saurabh Mago, DAG, Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

(1) Through the instant petition the petitioners, primarily relying on Section 101A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short – 2013 Act), seek release of their acquired land in village Tigra, Tehsil and Distt. Gurugram, Haryana.

(2) After hearing learned counsel for the parties and going through the record the undisputed facts which emerge are as follows :-

(3) Through notification dated 24.08.2000 issued under Section 4 of the Land Acquisition Act, 1894 (for short – 1894 Act) the State of



Haryana sought to acquire land in village Tigra, Tehsil and Distt. Gurugram which included the land owned and possessed by the petitioners. The petitioners filed objections under Section 5-A of 1894 Act after consideration of which a notification dated 22.08.2001 was issued by the State under Section 6 of 1894 Act which also included the petitioners' land. Thereafter, award dated 21.07.2003 was passed by the Land Acquisition Collector, Gurugram, determining the compensation payable to the petitioners in lieu of their acquired land.

(4) After about 14 years, the petitioners, relying on Section 24(2) of the 2013 Act, petitioned this Court through CWP No.7980 of 2017 – Mahender and others Vs. State of Haryana and others seeking therein issuance of appropriate directions for release of their acquired land on the ground that the acquisition had lapsed on account of non-disbursement of payable compensation to them and because physical possession of the petitioners' acquired land had not been taken by the State.

(5) Through judgment dated 29.01.2018, the petitioners' aforesaid petition was allowed by this Court. Judgment of this Court dated 29.01.2018 was carried by the State of Haryana to the Supreme Court. Through judgment dated 22.03.2024, the Supreme Court accepted the State's challenge to the judgment of this Court dated 29.01.2018 and after setting aside the judgment impugned by the State, remitted the matter back to this Court for a fresh decision on merits. In terms of the directions given by the Supreme Court, this Court again considered the petitioners' case and finding no merit in their claim, through judgment dated 13.09.2024, dismissed the petitioners' writ petition. The petitioners challenged the dismissal of their



petition which challenge of theirs was summarily rejected by the Supreme Court on 08.11.2024.

(6) The afore dismissal of the petitioners' SLP by the Supreme Court on 08.11.2024 should have brought to an end the petitioners' challenge to the acquisition of their acquired land but that was not to be as they have now filed the instant petition seeking therein release of their acquired land by relying on Section 101A of the 2013 Act, primarily on the ground that the petitioners' acquired land was unviable for the public purpose for which it had been acquired.

(7) After hearing learned counsel for the parties and perusing the record with their able assistance, we are of the opinion that the instant petition deserves to be dismissed for the following reasons :-

(i) Section 101A of the 2013 Act, on which primary reliance is placed, was introduced by the State of Haryana through Amendment Act No.21 of 2018 dated 24.05.2018. Relief under this provision could and should have been made by the petitioners in the year 2018 itself. Thus, there is a delay of about 07 years on the petitioners' part in invoking Section 101A of the 2013 Act which remains unexplained. Thus, the present petition is hit by delay and laches.

(ii) The petitioners had initially petitioned this Court in the year 2017 to challenge acquisition of their land. They alleged that even after about 14 years after passing of the award the State had not taken physical possession of their acquired land and that compensation, in lieu of their acquired land, had also not



been disbursed to them. Therefore, relying on Section 24(2) of the 2013 Act, they sought a declaration from this Court with regard to the acquisition proceedings qua their land having lapsed. On 29.01.2018, the petitioners' petition was allowed by this Court which was challenged by the State of Haryana before the Supreme Court. The judgment of this Court dated 29.01.2018 was set aside by the Supreme Court on 22.03.2024 and the matter was remitted to this Court for a fresh decision on the issues taken by the petitioners other than under Section 24(2) of the 2013 Act. In the meanwhile, in the year 2018, the State had introduced Section 101A in the 2013 Act but the petitioners took no steps to amend their petition to raise a claim on the basis of such amendment.

After the remand by the Supreme Court the petitioners' case was considered afresh by this Court. At that time too the petitioners choose not to seek any relief under Section 101A of the 2013 Act. On 13.09.2024, this Court dismissed the petitioners' writ petition as it found that the petitioners had no case even beyond their claim made by them under Section 24(2) of the 2013 Act. The petitioners challenged the dismissal of their writ petition before the Supreme Court which was summarily rejected by the Supreme Court on 08.11.2024. In such SLP filed by the petitioners also no claim was made by them under Section 101A of the 2013 Act.

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In the light of the afore facts, the reliance in the instant petition by the petitioners on Section 101A of the 2013 Act is also hit by the principles of constructive *res judicata* as also the principles behind Order 2 Rule 2 CPC.

(8) Dismissed.

(DEEPAK SIBAL)
JUDGE

29.04.2025*sunil Yadav/GK*

(LAPITA BANERJI)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No