

2025:PHHC:022550-DB



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

CWP-16420-2018 (O & M)

Reserved on: 07.02.2025

Pronounced on: 17.02.2025

SUKHBIR SINGH AND OTHERS

.....Petitioners

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE VIKAS SURI**

Argued by: Mr. Sandeep Sharma, Advocate
for the petitioners.

Mr. Ankur Mittal, Addl. A.G., Haryana
Ms. Svaneel Jaswal, Addl. A.G., Haryana.
Mr. P.P.Chahar, Sr. DAG, Haryana.
Mr. Saurabh Mago, DAG, Haryana.
Mr. Gaurav Bansal, DAG, Haryana and
Mr. Karan Jindal, Asstt. A.G., Haryana.

Mr. Pravindra Singh Chauhan, Advocate
Mr. Ankur Mittal, Advocate
Mr. Sandeep Chhabra, Advocate
Ms. Kushaldeep Kaur, Advocate and
Ms. Saanvi Singla, Advocate
for respondent No. 3 – HSVP.

SURESHWAR THAKUR, J.

1. Through the instant petition, the petitioners pray for the
hereinafter extracted reliefs.

2025:PHHC:022550-DB



Civil Writ Petition under Articles 226/227 of the Constitution of India praying for issuance of a writ in the nature of mandamus of direction to release the houses/land of the petitioners under the Section 24(2) of new Act namely The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and further praying for setting aside the impugned notification dated 24.5.2018 (Annexure P-12).

2. The above espoused writ claims become founded upon the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act of 2013'), whereunders the petitioners becomes empowered to claim the making of a lapsing declaration.

3. The present petitioners would be entitled to the espoused writ relief(s), as relates to this Court, thus declaring rather lapsed the extantly drawn acquisition proceedings, but only when the provisions embodied in Section 24(2) of the 'Act of 2013', become proved to become breached by the respondents. However, for the reasons to be assigned hereinafter, the asked for relief qua the making of a lapsing declaration rather cannot be accorded by this Court.

4. Primarily for the reason, that the present petitioners would be entitled to coax this Court to declare the launching of the acquisition proceedings under the Act of 1894, to thus become lapsed, but only when the respondent-State, rather had completely failed to, in terms of the verdict rendered by the Constitutional Bench of the Hon'ble Apex Court in ***Indore Development Authority versus Manohar Lal and***

2025:PHHC:022550-DB



others, reported in (2020) 8 SCC 129, adduce sufficient/clinching discharging evidence, in respect of the duo parameters, inasmuch as, (i) qua rapat possession being made over the acquired lands, (ii) and, qua the compensation, as became determined by the Collector concerned, becoming deposited, for therebys its becoming available for being released to the land losers concerned, besides the said events evidently happening before the coming into force of the 'Act of 2013'.

5. To determine the above, it is necessary to refer to the reply on affidavit, already on record. A reading of the paragraph no. 5 of the said reply on affidavit, reveals, that possession over the acquired lands became assumed through rapat roznamcha No. 583 dated 21.07.2003.

6. Moreover, when it is further indicated in the reply, on affidavit, furnished to the writ petition, by the respondent concerned, that the entire awarded amount of compensation, qua the subject lands, comprised in a sum of Rs. 20,13,000/- has been paid to the petitioners as well as their predecessor in interest on 24.09.2003.

7. Further, a perusal of paragraph No. 8 of the reply on affidavit reveal that the petitioners filed reference petition under Section 18 of the Act of 1894, before the learned Reference Court, Gurugram. The said reference petition became allowed vide award dated 23.02.2010 and the compensation amount qua the subject land was enhanced @ Rs. 888 per square yards.

8. Further, the petitioners filed RFA bearing No. 5508 of 2010 against the award dated 23.02.2010 before this Court. The said RFA

2025:PHHC:022550-DB



became allowed and the compensation amount became further enhanced to Rs. 1216 per square yard. The enhanced compensation amount comprised in a sum of Rs. 17241529/- has been deposited in the learned Reference Court vide Form D dated 10.11.2022.

9. The effect of the above, is that, thereby the petitioners are deemed to accept the validity of the launching of the acquisition proceedings, and thereby they are rather estopped from challenging the validity of the launching of the acquisition proceedings.

10. Moreover, since both the above events took place prior to the coming into force of the 'Act of 2013', resultantly, in terms of the verdict recorded by the Hon'ble Apex Court in **Indore Development Authority's case (supra)**, the present petitioners are not entitled to make any espousal before this Court, that a lapsing declaration be made in terms of Section 24(2) of the 'Act of 2013'. In sequel, the above made writ claim is declined.

11. Moreover, the plea of the petitioners qua their still lawfully retaining possession over the subject lands, is a mis-founded plea, as, the occupation of the petitioners, over the subject lands rather is as trespassers thereovers and the petitioners are required to be lawfully evicted therefrom.

12. Conspicuously also since it has been stated, in the reply on affidavit, already on record, that the subject lands are an integral component of the layout plans, thereby when they are facilitating the relevant public purposes. Consequently, when public purpose than the

2025:PHHC:022550-DB



individualistic interest is rather to be furthered. Resultantly, this Court finds no merit in the instant petition, and, is constrained to dismiss it.

13. Moreover, the averment as to the respondent practicing invidious discrimination(s), vis-a-vis the petitioner(s) herein, though also makes allusions to specific instances of discrimination(s) vis-a-vis the land losers concerned. However, since this Court for reasons (supra) has made a firm conclusion that the acquired lands are an integral component of the layout plans. Thus, the said conclusion also ousts the land-losers concerned to claim parity with other purportedly similarly situated estate holders concerned qua whom release(s) were made, but on the premise that their released lands were not an integral component of the layout plans. Thus, the argument (supra) is merit-less, and, is rejected.

14. The argument (supra) is further rejected on a perusal of paragraph No. 7, of the reply dated 19.01.2025, which reveal that the present petitioners as well as their predecessor in interest have already availed the benefit of release of land notified under Section 4 of the Act of 1894.

Final Order of this Court.

15. In aftermath, this Court finds no merit in the writ petition, and, with the above observations, the same is dismissed. The impugned notification(s), and consequent thereto award are maintained and affirmed.

16. No order as to costs.

2025:PHHC:022550-DB



17. Since the main case itself has been decided, thus, all the pending application(s), if any, also stand(s) disposed of.

(SURESHWAR THAKUR)
JUDGE

17.02.2025	(VIKAS SURI)
kavneet singh	JUDGE
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No