



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

102/7**CWP-7915-2014****Date of Decision: 25.02.2025****Asha Dubey**

....Petitioner

Versus

State of Punjab and others

....Respondents

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

Present: Mr. Mohit Jaggi, Advocate for the petitioner.

Mr. Shekhar Verma, Additional Advocate General, Punjab.

Mr. R.S.Khosla, Senior Advocate with

Mr. Yogender Verma, Advocate for respondent – GMADA.

Sureshwar Thakur, J. (Oral)

1. The writ petition arises from notification(s) issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter for short called as the 'Act of 1894'), besides also arise from declaration(s) issued under Section 6 of the 'Act of 1894' and from award dated 17.05.2001 (Annexure P-4).

2. The present petitioner 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 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter for short refer to as 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.



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3. Primarily for the reason, that the present petitioner 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 others, reported in (2020) 8 SCC 129**, adduce sufficient/clinching discharging evidence, in respect of the duo of 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'.

4. To determine the above, it is necessary to refer to the reply on affidavit, already on record. A reading of the paragraph No.4 of the reply on affidavit, reveals, that possession over the acquired lands became assumed through rapat roznamcha No.478 dated 17.05.2001.

5. Moreover, it has been stated that as far as the compensation of the land of the petitioner is concerned, despite the same becoming tendered, yet the petitioners not seeking disbursement(s) thereof, and the same is lying deposited in the reference Court's account, for therebys it becoming available for becoming released to the land losers concerned.

6. In consequence, 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 petitioner is not entitled to make any espousal before



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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.

7. Moreover, the plea of the petitioner qua her still lawfully retaining possession over the subject lands, is a mis-founded plea, as, the occupation of the petitioner, over the subject lands rather is as a trespasser thereovers and the petitioner is required to be lawfully evicted therefroms.

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

9. 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.

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

(SURESHWAR THAKUR)
JUDGE

(VIKAS SURI)
JUDGE

February 25, 2025
Varinder

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No