

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-27190-2025

Pawan and others

....Petitioners

versus

State of Haryana and others

...Respondents

1.	The date when the judgment is reserved	26.11.2025
2.	The date when the judgment is pronounced	01.12.2025
3.	The date when the judgment is uploaded on the website	01.12.2025
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

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

Present: Mr. Rohan Moudgil, Advocate for
Mr. Sandeep Sharma, Advocate for the petitioners.

Mr. Saurabh Mago, DAG Haryana.

DEEPAK SIBAL, J.

1. Through the instant petition, the petitioners seek release of their acquired land on the ground that as on date such land cannot be utilized by the State for any public purpose.

THE FACTS

2. Through notification dated 13.01.2010, issued under Section 4 read with Section 17(1) of the Land Acquisition Act, 1894 (for short – the 1894 Act) and notification dated 25.01.2010, issued under

Section 6 of the 1894 Act, the State acquired land for development of roads in Sectors 99 to 115, Gurugram. Through award No.77 dated 31.03.2010, the Land Acquisition Collector, Urban Estates, Gurugram (for short – the LAC) determined the payable compensation for the acquired land. The land of the petitioners in Khasra Nos.103 and 147 in village Mohmmadheri, Tehsil Kadipur, District Gurugram was included in the aforesaid notifications and the award. Possession of the acquired land was taken by the State through Rapat Roznamcha No.660 dated 31.10.2010 and the amount of compensation determined by the LAC through the award dated 31.03.2010 was tendered and the same was also received by the petitioners. Most of the petitioners, through filing of references and Regular First Appeals before this Court also sought enhancement in the awarded compensation. Through the instant petition, relying on the policies of the State, the petitioners have knocked the doors of this Court seeking release of their acquired land on the ground that as on date the land in question cannot be utilized by the State for any public purpose.

THE SUBMISSIONS

3. Learned counsel for the petitioners submitted that possession of the petitioners' acquired land is still with the petitioners and that as on date such land cannot be utilized by the state for any public purpose. Therefore, in terms of the policies of the State of Haryana dated 14.09.2018 and 21.07.2022 their acquired land should be released.

4. Per contra, learned State counsel submitted that the petitioners' land was acquired way back in the year 2010; through award dated 31.03.2010 compensation payable to the petitioners was determined by the LAC; the amount of compensation determined by the LAC at the time of announcement of the award dated 31.03.2010 has also been accepted by the petitioners; most of the petitioners, through filing of references before the Reference Court and Regular First Appeals before this Court have also sought enhancement in the compensation awarded by the LAC; possession of the petitioners' land was taken by the State through Rapat Roznamcha No.660 dated 31.10.2010; the petitioners' land was acquired for making of roads in Sectors 99 to 115, Gurugram and that as per the lay out plan and photographs annexed as Annexures R1 and R2 respectively, such land already stands fully utilized by the State towards construction of roads in the aforesaid sectors of Gurugram.

5. In support his arguments, learned State counsel relies upon a judgment of a Constitution Bench of the Supreme Court in **Indore Development Authority vs. Manohar Lal and others - AIR 2020 SC 1496**.

6. Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

DISCUSSION AND CONCLUSION

7. Petitioners seek release of their land which was acquired in the year 2010. Thus, there is an inordinate and unexplained delay of over 15 years on the petitioners' part in knocking the doors of this Court which delay

is fatal because in the meanwhile, it is undisputed that through Rapat Roznamcha No.660 dated 31.10.2010 possession of the petitioners' acquired land was taken by the State; the lay out plan and photographs (Annexures R1 and R2 respectively) produced by the State further reveal that the petitioners' acquired land has since been utilized towards the construction of roads in Sectors 99 to 115, Gurugram and that it is also not denied that in lieu of their acquired land, all the petitioners have accepted over 15 years ago the compensation determined by the LAC and that most of them have also sought further enhancement in the determined compensation.

8. The above facts clearly disentitle the petitioners to the grant of the relief sought for.

9. The petitioners' claim of being in physical possession of their acquired land cannot be made the basis to grant them the relief sought for by them because of the admitted position that through Rapat Roznamcha No.660 dated 31.10.2010 the State has taken possession of their acquired lands. In this regard reference can usefully be made to the following observations by the Supreme Court in **Indore Development Authority's case** (supra), as per which, possession of any person on the land acquired by the State and of which memorandum of taking possession has also been drawn is that of a trespasser:-

“245. The question which arises whether there is any difference between taking possession under the Act of 1894 and the expression “physical possession” used in Section 24(2). As a matter of fact, what was contemplated under the Act of 1894, by taking the possession meant only physical possession of the land. Taking over the possession under the Act of 2013 always amounted to taking over physical possession of the land. When the State Government acquires land and draws up a memorandum of taking possession, that amounts to taking the physical possession of the land. On the large chunk of property or otherwise which is acquired, the

Government is not supposed to put some other person or the police force in possession to retain it and start cultivating it till the land is used by it for the purpose for which it has been acquired. The Government is not supposed to start residing or to physically occupy it once possession has been taken by drawing the inquest proceedings for obtaining possession thereof. Thereafter, if any further retaining of land or any re-entry is made on the land or someone starts cultivation on the open land or starts residing in the outhouse, etc., is deemed to be the trespasser on land which in possession of the State. The possession of trespasser always inures for the benefit of the real owner that is the State Government in the case.”
(emphasis supplied)

10. Reliance of the petitioners on the policies of the State government dated 14.09.2018/ 21.07.2022 and order of the State government dated 22.07.2022 is also misconceived because a perusal of these policies and the order of the State Government reveal that they only enable the State to de-notify the acquired lands in case the State is of the opinion that the same have been rendered unviable or are non-essential vis-à-vis the public purpose for which they were acquired and for the reason that in the present case, after taking possession of the petitioners’ land, the State has already utilized the same towards planning of roads in Sectors 99 to 115, Gurugram.

11. In view of the above discussion the present petition sans merit.

12. Dismissed.

(DEEPAK SIBAL)
JUDGE

01.12.2025
gk

(LAPITA BANERJI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No