



137

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

CWP-1887-2025 (O&M)

Date of Decision: 3rd February 2026

M/S. NEPTUNE SYSTEMS (PVT.) LTD.

.....Petitioner(s)

V/s

STATE OF HARYANA AND OTHERS

.....Respondent(s)

CORAM: **HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA**
 HON'BLE MR. JUSTICE ROHIT KAPOOR

Present Mr. Avnish Mittal, Advocate, and
 Mr. Aniket Aggarwal, Advocate, for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

ASHWANI KUMAR MISHRA, J. (Oral)

1. The petitioner is a Company registered under the provisions of the Indian Companies Act, 2013. It has approached this Court challenging the notification dated 15.11.2002 issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as “the Act of 1894”), the declaration dated 12.11.2003 under Section 6 of the Act of 1894 as well as the award dated 18.11.2005 made by the Sub-Divisional Officer (C)-cum-Land Acquisition Collector, Gurgaon, under Section 11 of the Act of 1894.

2. Prayer is also made to de-notify the land of the petitioner as also to allot the petitioner an industrial plot of the same size after charging development costs. Alternative prayers are also made for grant of compensation under the Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “the Act of 2013”).

3. It is asserted that the petitioner has purchased land bearing Rect. No.28, Killa No. 11/1, measuring 6 *kanals* and 8 *marlas* situated in

the Revenue Estate of Village Begum Pur Khataula, Tehsil and District Gurgaon by way of a sale deed dated 20.03.1996. The said property was purchased from M/s Nitex Overseas, having its address at 287, Sant Nagar, East of Kailash, New Delhi-65. The sale deed was executed through the General Power of Attorney holder Sh. Shakti Chand Rana. It is asserted that pursuant to the sale deed executed in favour of the petitioner, the name of the petitioner-Company was recorded in the revenue records of the State. A 'No Objection Certificate' was issued in favour of the petitioner for establishment of an Industry for the manufacture of Switch Gear, Electrical Control Panels and L.T. Panels. Permission was also sought from the office of the Director, Town and Country Planning, Haryana for the change of land use (CLU) for the aforesaid land. The petitioner also claims to have entered into an agreement for the construction of the aforementioned industrial unit with M/s Gill Builders.

4. In Para 9 of the Writ Petition, petitioner states that after obtaining the NOC, it commenced work on the blueprint for establishing the industry, and constructed a boundary wall to protect the property.

5. In Para 10 of the Writ Petition, it is stated that due to lack of basic amenities, the petitioner could not establish the industry. The industry proposed to be established by the petitioner was, therefore, relocated to Sector 59, Noida, Uttar Pradesh.

6. Paras 12 to 14 of the Writ Petition refer to the notifications issued under the Act of 1894, acquiring the land of the petitioner, as also the making of an award by the Collector under Section 11. The notification and the award have been annexed in the Writ Petition.

7. In Para 15, the petitioner states that it did not receive any compensation for the land acquired by the respondents. The petitioner also asserts that once the change of land use was allowed, the petitioner did not anticipate any action being taken to acquire the land.

8. In Para 17, the petitioner has stated that as per the information available to it, only some developments have taken place on the land of the petitioner or in the surrounding area, even after a lapse of approximately 20 years from the date of the award. Reference is then made to Section 101-A of the Act of 2013.

9. In Para 23, it is stated that the petitioner has made repeated efforts to approach the respondents through various attempts, but to no avail. Representation dated 28.08.2024 is annexed as Annexure P-9. This representation refers to acquisition of the land in the years 2015-2016, and a prayer is made to release such land from acquisition.

10. Circular dated 07.01.2021 of the Chief Secretary to the Government of Haryana is also enclosed. Certain informations have also been obtained, including the maps etc., which would show that developed plots have been carved out on the petitioner's land.

11. We have gone through the pleadings made in the Writ Petition which are absolutely silent on the factual aspect as to when the petitioner came to know about the acquisition of the land in question. Since the petition has been filed after the expiry of nearly 20 years from the making of the award and nearly 22-23 years from the notification acquiring the land, without any explanation for such delay in approaching the Court, a

serious question arises with regard to the maintainability of this Writ Petition, at the first instance.

12. A reply has been filed by the State questioning the belated filing of the Writ Petition relying upon the judgements of the Hon'ble Supreme Court in (i) M/s Star Wire (India) Ltd. Vs. The State of Haryana and Others; 1996 (11) SCC 698, (ii) Swastika Properties Pvt. Ltd. and another Vs. State of Rajasthan 2008 AIR (SC) 1994. It is stated the notification acquiring land was published in the prominent Newspapers i.e. 'The Hindu' (English edition) and 'Amar Ujala' (Hindi edition) in November 2002. Since the urgency clause was not invoked, as such opportunity was given to the tenure holders to file objections, but no such objections were filed by the petitioner. Thereafter, a declaration under Section 6 of the Act of 1894 was issued. Award was subsequently made by the Collector under Section 11 on 18.11.2005. The awarded amount has also been tendered and deposited thereafter. The land, subjected to plan development and Plot No.82-83, situated on 18 meters wide road in Sector 35, Gurgaon, stands allocated. Layout plan has also been annexed along with the reply filed by the State.

13. Learned counsel for the petitioner places reliance on the judgment of the Hon'ble Supreme Court in Indore Development Authority Vs. Manohar Lal and Others; 2020 (8) SCC 129 as well as Division Bench judgement of the Madras High Court in Yellamma Vs. The Executive Engineer and Administrative Officer; W.P.No.32876 of 2024 decided on 12.11.2024, Division Bench judgement of the Andhra Pradesh High Court in District Collector, Kapada Distict at Kadapa and two Others Vs. K.

Ramsubba Reddy (Died) and eight others; Writ Appeal No. 822 of 2023 decided on 11.12.2023 and Division Bench judgment of the Delhi High Court in M/s GG Transglobal Housing Project Pvt. Ltd. Vs. Union of India and Others; WP (C) 250 of 2018 decided on 03.03.2025, to submit that the acquisition proceedings are liable to be quashed.

14. The present Writ Petition is opposed by the learned State counsel.

15. From the materials placed on record, it transpires that the sale deed was executed in favour of M/s Nitex Overseas on the basis of a General Power of Attorney obtained from the recorded tenure holder. M/s Nitex Overseas has then transferred the land in favour of the petitioner on 20.03.1996. The sale deed in favour of the petitioner records the consideration amount of ₹4,06,000/-, however, there is no endorsement as to how this consideration has passed on to the petitioner.

16. Considering the fact that all the sale deeds are executed through GPA holder, and for the first time, the petitioner approached this Court by filing Writ Petition in January 2025, we are not inclined to entertain the Writ Petition primarily on the ground of unexplained laches on the part of the petitioner in approaching this Court. The Writ Petition is absolutely silent as to why no challenge was made to the notification and the award of the year 2003 and 2005 for a period of 20 years. The first representation made by the petitioner is also of the year 2024, wherein also the delayed filing of Writ is not explained.

17. Law with regard to delay as a ground to non-suit a challenge to land acquisition proceedings, is by now well settled in the cases of

Municipal Corporation of Greater Bombay vs. Industrial Development Investment Co. Pvt. Ltd. and Others ; (1996) 11 SCC 501 and **Urban Improvement Trust, Udaipur Vs. Bheru Lal and Others ; 2002 AIR Supreme Court 3309**, whereby it has been held that writ petitions challenging land acquisition after long delays/laches are not maintainable, as they disturb settled rights.

18. Since we are not persuaded to entertain the present Writ Petition on the ground of laches alone, we refrain from expressing any further on the merits of the contentions urged by the learned counsel for the petitioner, especially when it remains otherwise undisputed that the land was validly acquired and award was made. The compensation has also been tendered/deposited. The limited right which the petitioner can claim, at best, would be to approach the Collector for receiving compensation after establishing its right over the land. Leaving it open to the petitioner to approach the authorities for such purposes, this Writ Petition filed with a prayer to quash the land acquisition notification fails and is dismissed accordingly.

19. All pending applications in this case, if any, are disposed of accordingly.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

February 3, 2026
Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>