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

CWP-16736-2016 (O&M)

Date of Decision : 28.04.2026

Daya Nand & Ors

... Petitioner(s)

Versus

State of Haryana & Ors

... Respondent(s)

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN
HON'BLE MR. JUSTICE RAMESH CHANDER DIMRI**

Present : Mr. Vikram Singh, Advocate for the petitioners.

Mr. Saurabh Mago, DAG Haryana.

ALKA SARIN, J. (Oral)

1. The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the notification dated 06.05.1982 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the '1894 Act') and the declaration/notification dated 02.05.1985 (Annexure P-2) issued under Section 6 of the 1894 Act as well as the award dated 01.05.1987 (Annexure P-3) on the ground that the acquisition proceedings have lapsed in view of the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the '2013 Act').

2. Brief facts relevant to the present *lis* are that the petitioners are the owners in possession of a portion of the land measuring 05 kanals 0 marla situated in Khewat No.531min//473 Khatoni No.582 and Killa No.1//23/1 (total 5K-0M) in Village Liwaspur, Tehsil and District Sonapat, as

per jamabandi for the year 2008-09. On 06.10.1981 a notification was issued under Section 4 of the 1894 Act. The petitioners herein challenged the same by filing CWP No.510 of 1982 titled as “Zile Singh & Ors Vs. The State of Haryana & Anr”. On 26.04.1982 the State had made a statement that they would be withdrawing the impugned notification and accordingly the writ petition was dismissed as withdrawn. A second notification was issued on 06.05.1982 under Section 4 of the 1894 Act (Annexure P-1). No objections under Section 5-A of the 1894 Act were filed. A declaration/notification was issued on 02.05.1985 under Section 6 of the 1894 Act (Annexure P-2). The award was announced on 01.05.1987 (Annexure P-3). The petitioners herein challenged the notifications (Annexures P-1 and P-2) by filing CWP No.3327 of 1987 titled as “Kartar Singh & Ors. Vs. The State of Haryana & Ors.” wherein the acquisition was challenged on merits. The said writ petition was dismissed by this Court vide order dated 03.02.2009 (Annexure P-4).

3. The present writ petition was filed in the year 2016 only on the ground that the acquisition proceedings have lapsed in view of the provisions of Section 24(2) of the 2013 Act. Initially, the present writ petition was allowed vide order dated 30.11.2016. Aggrieved by the same the respondents herein filed an appeal before the Supreme Court. The said Civil Appeal along with the other connected Civil Appeals as also the case titled as **State of Haryana & Ors. vs. Aalamgir & Ors. [(2025) 6 SCC 397]**, being the lead case, was allowed and the matter was remanded back to this Court for reconsidering the issues in view of the Constitution Bench judgment in the case of **Indore Development Authority vs. Manohar Lal & Ors. [(2020) 8 SCC 129 = 2020 (4) RCR (Civil) 668]**.

4. Learned counsel for the petitioners has contended that the

petitioners are still in physical possession of the property and the compensation has not been paid to them.

5. *Per contra* the learned counsel for the State has referred to the short reply by way of an affidavit of Sh. Ashish Kumar, Land Acquisition Collector, Urban Estate Department, Rohtak on behalf of respondent No.2 to contend that in the present case the petitioners herein did not file any objections under Section 5-A of the 1894 Act. Learned State counsel has further pointed out to para Nos.8 and 9 of the affidavit wherein it has been stated that vide *rapat roznamcha* No.501 dated 01.05.1987 the possession was handed over to the beneficiary department and that the entire compensation of ₹34,91,466/- was tendered by the Land Acquisition Collector, Rohtak at the time of announcement of award dated 01.05.1987 and is lying deposited in the account of the LAC and is available for disbursement to the landowners.

6. We have heard learned counsel for the parties and have carefully gone through the records.

7. Their Lordships in the case of **Indore Development Authority** (supra) held as under :

“366. In view of the aforesaid discussion, we answer the questions as under:

366.1. Under the provisions of Section 24(1)(a) in case the award is not made as on 1-1-2014, the date of commencement of the 2013 Act, there is no lapse of proceedings. Compensation has to be determined under the provisions of the 2013 Act.

366.2. In case the award has been passed within the window period of five years excluding the period covered by an interim order of the court, then proceedings shall

continue as provided under Section 24(1)(b) of the 2013 Act under the 1894 Act as if it has not been repealed.

366.3. *The word “or” used in Section 24(2) between possession and compensation has to be read as “nor” or as “and”. The deemed lapse of land acquisition proceedings under Section 24(2) of the 2013 Act takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse.*

366.4. *The expression “paid” in the main part of Section 24(2) of the 2013 Act does not include a deposit of compensation in court. The consequence of non-deposit is provided in the proviso to Section 24(2) in case it has not been deposited with respect to majority of landholdings then all beneficiaries (landowners) as on the date of notification for land acquisition under Section 4 of the 1894 Act shall be entitled to compensation in accordance with the provisions of the 2013 Act. In case the obligation under Section 31 of the Land Acquisition Act, 1894 has not been fulfilled, interest under Section 34 of the said Act can be granted. Non-deposit of compensation (in court) does not result in the lapse of land acquisition proceedings. In case of non-deposit with respect to the majority of holdings for five years or more, compensation under the 2013 Act has to be paid to the*

“landowners” as on the date of notification for land acquisition under Section 4 of the 1894 Act.

366.5. In case a person has been tendered the compensation as provided under Section 31(1) of the 1894 Act, it is not open to him to claim that acquisition has lapsed under Section 24(2) due to non-payment or non-deposit of compensation in court. The obligation to pay is complete by tendering the amount under Section 31(1). The landowners who had refused to accept compensation or who sought reference for higher compensation, cannot claim that the acquisition proceedings had lapsed under Section 24(2) of the 2013 Act.

366.6. The proviso to Section 24(2) of the 2013 Act is to be treated as part of Section 24(2), not part of Section 24(1)(b).

366.7. The mode of taking possession under the 1894 Act and as contemplated under Section 24(2) is by drawing of inquest report/memorandum. Once award has been passed on taking possession under Section 16 of the 1894 Act, the land vests in State there is no divesting provided under Section 24(2) of the 2013 Act, as once possession has been taken there is no lapse under Section 24(2).

366.8. The provisions of Section 24(2) providing for a deemed lapse of proceedings are applicable in case authorities have failed due to their inaction to take possession and pay compensation for five years or more before the 2013 Act came into force, in a proceeding for

land acquisition pending with the authority concerned as on 1-1-2014. The period of subsistence of interim orders passed by court has to be excluded in the computation of five years.

366.9. Section 24(2) of the 2013 Act does not give rise to new cause of action to question the legality of concluded proceedings of land acquisition. Section 24 applies to a proceeding pending on the date of enforcement of the 2013 Act i.e. 1-1-2014. It does not revive stale and time-barred claims and does not reopen concluded proceedings nor allow landowners to question the legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in the treasury instead of court to invalidate acquisition.”

8. The Supreme Court, while remanding the matter for reconsideration, granted liberty to the parties to raise all the contentions which are germane to the adjudication of the writ petition before this Court. Though the prayer of the petitioners in the present writ petition purely revolves around sub-section (2) of Section 24 of the Act of 2013, however, neither any document has been placed on the record as regards any subsequent developments by the learned counsel appearing on behalf of the petitioners nor any such contentions have been raised during the course of arguments. On the other hand, respondent No.2 has filed his short reply dated 28.10.2025 stating therein that the possession was handed over to the beneficiary department vide *rapat roznamcha* No.501 dated 01.05.1987 and the compensation was tendered by the Land Acquisition Collector, Rohtak.

9. In view of the law laid down by the Constitution Bench judgment of the Supreme Court in the case of **Indore Development Authority** (supra), since the possession was taken vide *rapat roznamcha* No.501 dated 01.05.1987 and the compensation is lying deposited in the account of Land Acquisition Collector, Rohtak, the acquisition proceedings cannot be held to have lapsed. Moreover, it has been held in the Constitution Bench case that in case possession has been taken but compensation has not been paid then there is no lapse and similarly if compensation has been paid but possession has not been taken even then there is no lapse. Also, in view of the now settled law, it is immaterial whether compensation was lifted by the landowners or not.

10. In view of the above, there is no merit in the present writ petition. The same being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

28.04.2026
Yogesh Sharma

(RAMESH CHANDER DIMRI)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO