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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-19208-2016 (O&M)

Date of Decision : 08.05.2026

Hari Ram

... Petitioner

Versus

State of Haryana and Ors.

... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

HON'BLE MR. JUSTICE RAMESH CHANDER DIMRI

Present : Mr. Sandeep Panwar, Advocate for the petitioner.

Mr. Saurabh Mago, DAG Haryana for respondent Nos.1 and 2.

Mr. Ankur Mittal, Senior Advocate with

Ms. Kushaldeep Kaur, Advocate for respondent Nos.3 and 4.

ALKA SARIN, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 10.08.2016 (Annexure P-15) and further for issuance of a direction in the nature of mandamus to the respondents to release the land of the petitioner and for setting aside the acquisition proceedings regarding the said land 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 petitioner is the owner in possession of the land measuring 431.20 sq. yards comprised in Khewat No.411, Khatauni No.563, Rectangle No.84, Killa Nos.18/1, 22, 23 and Khewat No.70, Khatauni No.123, Rectangle No.84, Killa Nos.12/2, 13/1, 18/3 and 19 situated within the revenue estate of Patti Kaisth Seth, Kaithal, District Kaithal. On 11.11.2002 a notification was issued under Section 4 of the Land Acquisition Act, 1894 (for short the '1894 Act'). The petitioner herein filed objections (Annexure P-2) under Section 5A of the 1894 Act stating therein that he has raised a boundary wall and *pucca* construction over his plot. It has been stated in the petition that the said objections were mechanically decided by respondent No.2. On 07.11.2003 the respondents have further issued a notification under Section 6 of the 1894 Act. On 31.10.2005 respondent No.2 announced Award No.8 (Annexure P-4) and acquired total land measuring 82.80 acres including the land of the petitioner for the purpose of development and utilization of land as commercial, professional, institutional and for green belt adjoining Sectors 19 and 20, Kaithal. It has further been pleaded in the petition that the petitioner has constructed a residential portion and a boundary wall over the said plot. The petitioner is also stated to have served legal notice dated 15.02.2014 (Annexure P-11) to consider the case of the petitioner as per the 2013 Act, but no response was received. Thereafter, the petitioner filed CWP-14384-2014 for release of his house in which respondent No.2 has filed the reply by way of affidavit admitting in para 4 that the amount of compensation payable to the petitioner was ₹72,478/-, which is still pending. The petition (CWP-14384-2014) was decided vide order dated 23.03.2015 (Annexure P-13) whereby the petitioner was granted liberty to file a detailed representation and

the respondents were directed to decide the same within four months. The petitioner filed representation dated 16.04.2015 (Annexure P-14) before respondent Nos.1 and 3. Respondent No.4 rejected the representation of the petitioner vide order dated 10.08.2016 (Annexure P-15).

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 14.12.2016 in terms of the order dated 27.10.2016 passed by this Court in CWP-17464-2007 titled ‘Satnam Singh & Anr. vs. State of Haryana & Ors.’ 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 petitioner has contended that the petitioner is still in physical possession of the property and the compensation has not been paid to him.

5. *Per contra* the learned counsel for the State has referred to the status report filed by way of an affidavit of Sh. Surender Lather, Land Acquisition Collector, Urban Estate, Panchkula on behalf of respondent Nos.1 and 2 to contend that in the present case the petitioner herein filed objections under Section 5-A of the 1894 Act, which were duly heard in presence of the petitioner at the PWD Rest House, Kaithal on 19.09.2003. Learned State

counsel has further stated that only the boundary wall was constructed before issuance of Section 4 notification and that rest of the land of the petitioner was lying vacant and therefore the Land Acquisition Collector recommended acquisition of the land of the petitioner. It has further been stated in the affidavit that compensation was awarded on 31.10.2005 and the same was tendered to the land owners at the time of announcement of the award dated 31.10.2005. It has further been stated that total amount of compensation payable to the petitioner was ₹72,478/-, which was tendered at the time of announcement of award dated 31.10.2005. Though the same is lying deposited in the account of Land Acquisition Collector, the petitioner has not given his consent to receive the said compensation. Learned State counsel has pointed out to para Nos.7 and 8 of the affidavit wherein it has been stated that possession of the land was handed over to HUDA on the date of Award dated 31.10.2005 vide *rapat roznamcha vakayati* No.285. It is further stated that the petitioner had filed a reference under Section 18 of the 1894 Act and the enhanced amount of compensation already stands deposited in the Court of Additional District Judge vide B.D. No.098082 dated 05.09.2015

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 petitioner 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 Nos.1 and 2 have filed short reply dated 18.04.2026

stating therein that the possession was handed over to the beneficiary department vide *rapat roznamcha* No.285 dated 31.10.2005 and compensation was tendered by the Land Acquisition Collector, Panchkula.

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.285 dated 31.10.2005 and the compensation is lying deposited in the account of Land Acquisition Collector, Panchkula, 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, in that eventuality 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

08.05.2026
jk

(RAMESH CHANDER DIMRI)
JUDGE

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