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

CWP-26762-2016 (O&M)

Date of Decision : 02.04.2026

Krishan Kumar & Anr

... 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. Ravinder Singh Saroha, Advocate for the petitioners.

Mr. Saurabh Mago, DAG Haryana for respondent Nos.1 and 4.

Mr. Ankur Mittal, Senior Advocate with
Ms. Kushaldeep Kaur, Advocate, Mr. Siddhant Arora,
Advocate, Ms. Ashna Singh, Advocate and
Ms. Sharvi Dadhwal, Advocate for respondent Nos.2, 3 and 5.

ALKA SARIN, J. (Oral)

1. The prayer in the present writ petition is for issuance of writ of *certiorari* for quashing the notification dated 22.06.2006 (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 20.06.2007 (Annexure P-2) issued under Section 6 of the 1894 Act and the order dated 29.11.2016 (Annexure P-9) vide which respondent No.2 has declined to release the land of the petitioners.

2. Briefly, the facts relevant to the present *lis* are that the petitioners are co-sharers in the land comprised in Khewat Nos.121/1 and 122, Khasra Nos.6//21/2 (3K-11M), 10/5 (8K-0M), 10/6/1 (1K-4M), 10/6/2 (6K-16M), 11/1 (6K-66M) situated within the revenue estate of village Badh Malik,

Tehsil and District Sonapat. The notification under Section 4 of the 1894 Act was issued on 22.06.2006. Objections under Section 5-A of the 1894 Act were filed. Thereafter, declaration/notification under Section 6 of the 1894 Act was issued on 20.06.2007. As stated in the writ petition, the petitioners had filed CWP-16111-2007 titled as “Rajinder Kumar & Anr. Vs. State of Haryana & Ors.” challenging the acquisition of the land on merits in which vide order dated 05.09.2007 the dispossession was stayed. The award was announced by the Land Acquisition Collector on 28.11.2008. The said writ petition was dismissed vide order dated 03.03.2011, which was challenged before the Supreme Court by filing a SLP which was also dismissed. As per the reply filed by the State, possession was taken vide *rapat roznamcha* No.645 dated 09.06.2011. It has further been averred in the writ petition that reference was also filed by the petitioners under Section 18 of the 1894 Act for enhancement of compensation, which stood decided. The petitioners also approached this Court by filing a Regular First Appeal (RFA), which was also allowed. A perusal of Annexure P-4 appended with the writ petition, which is an order passed in CR-5246-2012 dated 02.11.2015, reveals that the amount of ₹61,79,130/- on account of interest on ₹1,26,88,152/- was also deposited with the Reference Court on 26.10.2015. The present writ petition was filed averring therein that the period of 05 years had elapsed since the passing of the award on 28.11.2008, however, actual physical possession of the land had not been taken nor the amount of compensation had been paid to the petitioners and, therefore, the acquisition proceedings would be deemed to have lapsed under 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’). Initially, the present writ petition

was allowed vide order dated 04.12.2017. The Haryana State Industrial and Infrastructure Development Corporation Ltd. (HSIIDC) preferred a Special Leave Petition (C) No.8412 of 2019, which was converted into Civil Appeal No.3726 of 2024. The said appeal, alongwith the other connected matters, was allowed by the Supreme Court vide order dated 29.02.2024 and the matter was remitted back to the High Court to be decided on the issues other than the one covering the field in **Indore Development Authority vs. Manohar Lal & Ors. [(2020) 8 SCC 129 = 2020 (4) RCR (Civil) 668]**.

3. Learned counsel for the petitioners would contend that the physical possession of the land has still not been taken and the petitioners continue to be in possession. It is further the contention that the compensation has not been paid to the petitioners.

4. *Per contra*, the learned senior counsel for respondent Nos.2, 3 and 5 would contend that CWP-16111-2007 was preferred prior to the passing of the award. There was a stay of dispossession and therefore possession of the land of the petitioners could not be taken after the award was announced on 28.11.2008. On the dismissal of the said writ petition on 03.03.2011, possession was taken and *rapat roznamcha* No.645 dated 09.06.2011 was entered. Learned senior counsel would further contend that as per Section 24(2) of the 2013 Act, where the award had been made under Section 11 of the 1894 Act 05 years or more prior to the commencement of the Act and the physical possession of the land has not been taken and the compensation has not been paid, the said proceedings would be deemed to have lapsed. However, in the case of **Indore Development Authority** (supra), it was held that the period of subsistence of interim orders passed by the Court has to be excluded in computation of 05 years and if the period of the interim stay was

to be excluded, the petitioners were not even entitled to invoke the provisions of Section 24(2) of the 2013 Act. Learned senior counsel has further pointed out that in the case of **Indore Development Authority** (supra) it has further been laid down that in case possession has been taken but compensation has not been paid or if compensation had been paid but possession had not been taken, there would be no lapse under Section 24(2) of the 2013 Act. Learned senior counsel has further contended that on merits the writ petition filed by the petitioners already stood dismissed on 03.03.2011. Learned senior counsel would further contend that the petitioners, in the present case, admittedly, as per the averments made in the writ petition, had filed a reference under Section 18 of the 1894 Act and, thereafter, had also filed RFA before this Court for enhancement. Learned senior counsel has pointed out to para 224 of the judgment in the case of **Indore Development Authority** (supra) to contend that their Lordships therein had held that if a landowner though does not accept the amount but seeks a reference for higher compensation, there would be no question of such an individual stating that he was not paid the amount. It has further been contended that as per the reply dated 10.02.2025 filed by way of additional affidavit of Sh. Ravish Jani, Divisional Town Planner, HSIIDC on behalf of respondent Nos.2 and 5, the enhanced compensation was deposited in the Court of the Additional District Judge, Sonapat vide demand draft dated 06.09.2013. It has further been contended that as per **Indore Development Authority** (supra), once the *panchnama* has been drawn for taking possession, even though the physical possession may not have been taken, there would be compliance of the provisions of the Act and there would be no lapsing under Section 24(2) of the 2013 Act.

5. We have heard the learned counsel for the parties.

6. In the present case, admittedly, the petitioners herein had filed CWP-16111-2007 titled as “Rajinder Kumar & Anr. Vs. State of Haryana & Ors.” challenging the acquisition of the land. During the pendency of the said writ petition there was a stay of dispossession. Ultimately, the writ petition was dismissed vide order dated 03.03.2011. The said order dated 03.03.2011 was challenged before the Supreme Court by filing SLP, which was also dismissed. After the dismissal of the writ petition, possession was taken vide *rapat roznamcha* No.645 dated 09.06.2011. It is a matter of record that the petitioners had also filed a reference under Section 18 of the 1894 Act for enhancement of compensation which stood decided. The petitioners thereafter approached this Court by filing a regular first appeal (RFA) which was also allowed.

7. The petitioners filed CWP-21739-2014 titled “Krishan Kumar & Anr. vs State Of Haryana & Ors.” after the coming into force of the 2013 Act. The said writ petition was disposed off vide order dated 09.07.2015 granting the petitioners the liberty to file a representation. A speaking order dated 29.11.2016 was passed rejecting the representation. The present writ petition was filed challenging notification dated 22.06.2006 (Annexure P-1) issued under Section 4 of the 1894 Act and the declaration/notification dated 20.06.2007 (Annexure P-2) issued under Section 6 of the 1894 Act and the order dated 29.11.2016 (Annexure P-9) vide which respondent No.2 has refused to release the land of the petitioner. It has been averred in the writ petition that the period of 05 years had elapsed since the passing of the award on 28.11.2008, however, actual physical possession of the land had not been taken nor the amount of compensation had been paid to the petitioners and, therefore, the acquisition proceedings would be deemed to have lapsed under

Section 24(2) of the 2013 Act. The issue in the present case is limited to the extent that the period of 05 years has elapsed since the passing of the award and neither the actual physical possession has been taken nor the amount of compensation has been paid to the petitioners and, therefore, the acquisition would be deemed to have lapsed under Section 24(2) of the 2013 Act.

8. Initially, the present writ petition was allowed vide order dated 04.12.2017. The Haryana State Industrial Infrastructure Development Corporation (HSIIDC) - respondent No. 2 herein - preferred a Special Leave Petition (C) No.8412 of 2019, which was converted into Civil Appeal No.3726 of 2024. The said appeal, alongwith the other connected matters, was allowed vide order dated 29.02.2024 and the matter was remitted back to this Court to be decided on the issues other than the one covering the field in **Indore Development Authority** (supra). A perusal of the present writ petition reveals that the challenge in the present petition though has been laid to the notification dated 22.06.2006 (Annexure P-1) under Section 4 of the 1894 Act and the notification dated 20.06.2007 (Annexure P-2) under Section 6 of the 1894 Act, however, the ground raised is limited to the extent that the period of 05 years has elapsed since the passing of the award and neither the actual physical possession has been taken nor the amount of compensation has been paid to the petitioners and, therefore, the acquisition would be deemed to have lapsed under Section 24(2) of the 2013 Act.

9. As far as the challenge to the acquisition is concerned it cannot be reagitated on grounds which were taken in the earlier round of litigation. Writ petition being CWP-16111-2007 titled as “Rajinder Kumar & Anr. Vs. State of Haryana & Ors.” wherein the acquisition was challenged on merits was dismissed vide order dated 03.03.2011. The said order was challenged

before the Supreme Court by filing an SLP, which was also dismissed. These facts have not been disputed by either of the parties. As far challenging the notifications on any fresh grounds, the same have neither been raised in the writ petition nor argued. No fresh affidavit has been filed by the petitioners after the matter was remitted by the Supreme Court. Issues which stood decided by the Supreme Court at an earlier point of time in any event cannot be allowed to be re-agitated and reopened by filing a fresh petition.

10. Though the Supreme Court had remanded the matters to this Court to be decided on issues other than those covered by **Indore Development Authority** (supra) however, the counsel for the petitioners has not addressed any arguments whatsoever challenging the acquisition on merits on any new grounds. The only argument which has been raised by the learned counsel is as noticed above.

11. In the present case, possession was taken vide *rapat roznamcha* No.645 dated 09.06.2011. The award was announced on 28.11.2008, however, since there was a stay of dispossession in CWP-16111-2007, possession could not be taken and was ultimately taken on 09.06.2011 vide *rapat roznamcha* No.645. Their Lordships in the case of **Indore Development Authority** (supra) have held that the period of subsistence of an interim order is to be excluded while computing the period of 05 years as stated in the provisos to Section 24(2) of the 2013 Act. CWP-16111-2007 was dismissed on 03.03.2011 and immediately thereafter possession was taken vide *rapat roznamcha* No.645 dated 09.06.2011 and, therefore, the case of the petitioners would not fall within the purview of the proviso to Section 24(2) of the 2013 Act. It was further held in the case of **Indore Development Authority** (supra) that if the possession is taken or the compensation is

tendered, there would be no lapsing of the acquisition proceedings. As per the additional affidavit of Sh. Ravish Jani, Divisional Town Planner, HSIIDC, dated 10.02.2025, out of the total award amount of ₹198 Cr. (approx.), more than 90% award amount of ₹184 Cr. (approx.) had already been accepted by the landowners and the balance undisbursed amount has been deposited in the Ld. Reference Court under Section 31(2) of the 1894 Act vide letter dated 30.01.2015.

12. The argument of the learned counsel for the petitioners that the amount was not paid to the petitioners cannot be accepted in view of the law laid down by the Supreme Court in the case of **Indore Development Authority** (supra) wherein it has been held that the expression 'paid' in the main part of Section 24(2) of the 2013 Act does not include a deposit of compensation in Court and non-deposit of the compensation in Court does not result in the lapse of land acquisition proceedings. Further still, their Lordships in the case of **Indore Development Authority** (supra) have held in para 224 as under :

“224. Thus, in our opinion, the word "paid" used in Section 24(2) does not include within its meaning the word "deposited", which has been used in the proviso to Section 24(2). Section 31 of the Act of 1894, deals with the deposit as envisaged in Section 31(2) on being 'prevented' from making the payment even if the amount has been deposited in the treasury under the Rules framed under Section 55 or under the Standing Orders, that would carry the interest as envisaged under Section 34, but acquisition would not lapse on such deposit being

made in the treasury. In case amount has been tendered and the landowner has refused to receive it, it cannot be said that the liability arising from non-payment of the amount is that of lapse of acquisition. Interest would follow in such a case also due to non-deposit of the amount. Equally, when the landowner does not accept the amount, but seeks a reference for higher compensation, there can be no question of such individual stating that he was not paid the amount (he was determined to be entitled to by the collector). In such case, the landowner would be entitled to the compensation determined by the Reference Court.”

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

(ALKA SARIN)
JUDGE

02.04.2026
Yogesh Sharma

(RAMESH CHANDER DIMRI)
JUDGE

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