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

CWP-6230-2016 (O&M)

Date of Decision : 01.04.2026

HARI PARKASH

.... Petitioner

VERSUS

STATE OF HARYANA AND ORS

.... Respondents

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

Present : Mr. Rahul Yadav, Advocate for the petitioner.

Mr. Saurabh Mago, DAG Haryana for respondents No.1 and 2.

Mr. Ankur Mittal, Senior Advocate with
Ms. Kushaldeep Kaur, Advocate and
Mr. Siddhant Arora, Advocate for respondents No.3 to 5.

ALKA SARIN, J. (ORAL)

1. The present writ petition has been filed on the ground that the acquisition had lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'Act of 2013').

2. Briefly, the facts relevant to the present *lis* are that on 17.11.2005 a notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'Act of 1894') was issued. Declaration under Section 6 of Act of 1894 was issued on 07.02.2006. The award was passed on 02.03.2006. Thereafter, the possession was taken vide *rapat roznamcha* No.566 dated 02.03.2006. The petitioner herein challenged the acquisition by filing a writ

petition being CWP-3223-2006 which was dismissed vide order dated 25.01.2007. Aggrieved by the same the petitioner approached the Supreme Court by filing a Special Leave Petition (Civil) being SLP(C) No.14408-2011. The said SLP(C) No.14408-2011 was dismissed along with the other connected Civil Appeals in view of the order passed in SLP(Civil) Nos.910, 1365 and 1393 of 2007 decided on 25.01.2007. However, while dismissing the said SLP(Civil) along with other connected Civil Appeals, liberty was given to the petitioner herein to make an appropriate application under Section 24(2) of Act of 2013. The petitioner thereafter filed a writ petition being CWP-5500-2015 which was disposed off vide order dated 25.03.2015 and the following order was passed :

‘4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by granting liberty to the petitioner to file a detailed and comprehensive representation raising all the pleas as raised in the present writ petition before the appropriate authority. It is directed that in the event of a representation being filed by the petitioner within a period of two months from today, the same shall be decided in accordance with law by passing a speaking order and after affording an opportunity of hearing to him within a period of four months from the date of receipt of representation. The petitioner shall be entitled

to lead any evidence to substantiate his claim before the concerned authority. Till the matter is decided by the said authority, status quo shall be maintained by the parties’.

Subsequently, the petitioner filed a representation (Annexure P-14) under Section 24(2) of Act of 2013. A speaking order (Annexure P-17) was passed on 08.03.2016 rejecting the representation (Annexure P-14) of the petitioner. Aggrieved by the same the present writ petition has been filed.

3. Initially, since State had not disputed that the compensation had not been received by the petitioner, the present writ petition was disposed off vide order dated 30.11.2017 and the acquisition of land measuring 3 Kanals 17 Marlas owned by the petitioner was quashed. Aggrieved by the same the respondents filed an appeal before the Supreme Court being Civil Appeal No.3841-2024 [@ SLP(C) No.10477/2019] which was allowed holding inter-alia as under :

‘In such view of the matter, the appeal is allowed.

Accordingly, the impugned order stands set aside and the matter is remitted to the High Court to be decided on the issues other than the one covering the field in Indore Development Authority (supra)’.

4. As per the short reply filed by way of an affidavit dated 09.10.2024 of Sh. Mukund, Land Acquisition Officer, Urban Estate Department, Rohtak, the possession was taken on 02.03.2006 vide *rapat roznamcha* No.566 dated 02.03.2006 and the entire amount of ₹3,34,90,10,540 of the award was tendered by the Land Acquisition Collector

concerned at the time of announcement of the award. Out of the total amount of the award, an amount of ₹2,60,58,18,572 had already been disbursed amongst the landowners and the rest of the compensation of ₹74,31,91,968 is lying deposited in the account of Land Acquisition Collector concerned and is available for the disbursement and the petitioner is at liberty to receive the same as per his share.

5. Learned counsel for the petitioner is not in a position to dispute the fact that on merits the acquisition had already been upheld by this Court vide order dated 25.01.2007 (Annexure P-10) in writ petition being CWP-3223-2006 which was affirmed by the Supreme Court vide order dated 24.02.2015 (Annexure P-12) passed in SLP(C) No.14408-2011 along with the other connected Civil Appeals and as such there is no challenge to the acquisition on merits in the present writ petition. The present writ petition has been filed only in view of the liberty given in the order dated 24.05.2015 passed by the Supreme Court i.e. to file an appropriate application under Section 24(2) of Act of 2013.

6. Learned senior counsel appearing on behalf of respondents No.3 to 5 has contended that as per the short reply filed by way of an affidavit dated 09.10.2024 of Sh. Mukund, Land Acquisition Officer, Urban Estate Department, Rohtak, the possession was taken on 02.03.2006 vide *rapat roznamcha* No.566 dated 02.03.2006 and the entire amount of ₹3,34,90,10,540 of the award was tendered by the Land Acquisition Collector concerned at the time of announcement of the award. Out of the total amount of award, an amount of ₹2,60,58,18,572 has already been disbursed amongst

the landowners and the rest of the compensation of ₹74,31,91,968 is lying deposited in the account of Land Acquisition Collector concerned and is available for the disbursement and the petitioner is at liberty to receive the same as per his share.

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

8. Their Lordships of the Supreme Court in the case of **Indore Development Authority vs. ManoharLal & Ors. [(2020) 8 SCC 129 = 2020 (4) RCR (Civil) 668]** have 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.”

9. The Supreme Court, while remitting 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 prayer of the petitioner in the present writ petition purely revolves around Sub-Section (2) of Section 24 of Act of 2013, however, neither any document has been placed

on the record as regards any subsequent developments by learned counsel for the petitioner nor any such contentions have been raised during the course of arguments. On the other hand, respondents No.1, 2 and 4 have filed short reply by way of an affidavit dated 09.10.2024 stating therein that the possession was taken vide *Rapat Roznamcha* No.566 dated 02.03.2006 and the compensation was deposited on 02.03.2006 itself.

10. 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 on 02.03.2006 and compensation was also deposited on 02.03.2006 itself, 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.

11. We, therefore, find no merit in the present writ petition which is accordingly dismissed. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

(RAMESH CHANDER DIMRI)
JUDGE

01.04.2026
Aman Jain

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No