



217

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

CWP-7894-2017 (O&M)

Date of Decision : 09.04.2026

Urmila & 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. Rajender Singh Malik, 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 for respondent Nos.2 and 3.

ALKA SARIN, J. (Oral)

1. The present civil 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 20.01.2003 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the '1894 Act') and the notification dated 16.01.2004 (Annexure P-3) issued under Section 6 of the 1894 Act 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'). No challenge has been laid to the award dated 14.01.2006 though the present writ petition was filed on 05.04.2017.

2. The writ petition was initially allowed vide order dated

30.10.2017 holding that the acquisition had lapsed under Section 24(2) of the 2013 Act. The State of Haryana and others filed a Special Leave Petition (C) No.5428 of 2019, which was later converted into Civil Appeal No.2620 of 2024. The said appeal was allowed by the Supreme Court vide order dated 15.02.2024 and the matter was remitted back to the High Court for fresh consideration in the light of the judgment in the case of **Indore Development Authority vs. Manohar Lal & Ors. [(2020) 8 SCC 129 = 2020 (4) RCR (Civil) 668]**. It has further been clarified that all legal contentions are kept open to be raised by both the parties, as may be permissible. The only prayer in the present writ petition is that the acquisition is deemed to have lapsed under Section 24(2) of the 2013 Act on the ground that the possession was still with the petitioners and the compensation had not been received by them.

3. The solitary argument raised by the learned counsel for the petitioners is that the land of similarly situated persons was held to have lapsed vide order dated 27.11.2014 passed in Civil Appeal No.3872 of 2010 titled as **Ram Kishan & Ors. vs. State of Haryana & Ors.** (Annexure P-7).

4. *Per contra* the learned counsel for the State has referred to the short reply by way of an affidavit of Sh. Bharat Bhushan Gogia, Land Acquisition Officer, Urban Estate Department, Rohtak on behalf of respondent Nos.1, 3 and 4 to contend that in the present case the petitioners herein did not file any objections under Section 5-A of the 1894 Act. Further, there was no challenge laid by them to the acquisition prior to the filing of the present writ petition which was also only restricted to the plea that the acquisition had lapsed under Section 24(2) of the 2013 Act. Learned State counsel has further pointed out that the judgment of the Supreme Court in

Ram Kishan's case (supra) would not come to the aid of the petitioners as they chose not to challenge the acquisition proceedings at that point of time. Learned State counsel has further pointed out that there is no ground of discrimination which has been raised in the present petition. Learned State counsel has further pointed out to para Nos.7 and 8 of the affidavit wherein it has been stated that vide *rapat roznamcha* No.356 dated 14.01.2006 the possession was taken and that the entire compensation of ₹42,45,43,182/- was tendered by the LAC Rohtak at the time of announcement of award dated 14.01.2006 and that after disbursal of the amount of ₹9,26,95,044/-, the remaining amount of ₹33,18,48,138/- is lying deposited in the account of the LAC and is available for disbursal.

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

6. In the present case the only issue which has been raised in the present writ petition is that the land acquisition proceedings are deemed to have lapsed in view of the provisions of Section 24(2) of the 2013 Act. A perusal of the writ petition reveals that the only ground taken is that since the petitioners are still in possession and the compensation had not been paid to them, therefore, the acquisition is deemed to have lapsed under Section 24(2) of the 2013 Act.

7. Hon'ble Supreme Court in the case of **Indore Development Authority** (supra) has held as under :

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

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 Act of 2013, there is no lapse of proceedings. Compensation has to be determined under

the provisions of Act of 2013.

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 Act of 2013 under the Act of 1894 as if it has not been repealed.

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 Act of 2013 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.

4. The expression 'paid' in the main part of Section 24(2) of the Act of 2013 does not include a deposit of compensation in court. The consequence of non-deposit is provided in proviso to Section 24(2) in case it has not been deposited with respect to majority of land holdings then all beneficiaries (landowners) as on the date of notification for land acquisition under Section 4 of the Act of 1894 shall be entitled to compensation in accordance with the provisions of the Act of 2013. In case the obligation under section 31 of the Land Acquisition Act of 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 Act of 2013 has to be paid to the "landowners" as on the date of notification for land acquisition under

Section 4 of the Act of 1894.

5. In case a person has been tendered the compensation as provided under Section 31(1) of the Act of 1894, 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). Land owners 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 Act of 2013.

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

7. The mode of taking possession under the Act of 1894 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 Act of 1894, the land vests in State there is no divesting provided under Section 24(2) of the Act of 2013, as once possession has been taken there is no lapse under Section 24(2).

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 Act of 2013 came into force, in a proceeding for land acquisition pending with concerned authority 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.

9. Section 24(2) of the Act of 2013 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 Act

of 2013, 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 date of possession is now taken to be the date of the *rapat roznamcha* as entered as was held by the Supreme Court in para Nos.244 and 245 of the judgment in the case of **Indore Development Authority** (supra) which read as under :

“244. Section 16 of the Act of 1894 provided that possession of land may be taken by the State Government after passing of an award and thereupon land vest free from all encumbrances in the State Government. Similar are the provisions made in the case of urgency in Section 17(1). The word "possession" has been used in the Act of 1894, whereas in Section 24(2) of Act of 2013, the expression "physical possession" is used. It is submitted that drawing of panchnama for taking over the possession is not enough when the actual physical possession remained with the landowner and Section 24(2) requires actual physical possession to be taken, not the possession in any other form. When the State has acquired the land and award has been passed, land vests in the State Government free from all encumbrances. The act of vesting of the land in the State is with possession, any person retaining the possession, thereafter, has to be treated as trespasser and has no right to possess the land which vests in the State free from all encumbrances.

245. The question which arises whether there is any difference between taking possession under the Act of 1894 and the expression "physical possession" used in Section 24(2). As a matter of fact, what was contemplated

under the Act of 1894, by taking the possession meant only physical possession of the land. Taking over the possession under the Act of 2013 always amounted to taking over physical possession of the land. When the State Government acquires land and draws up a memorandum of taking possession, that amounts to taking the physical possession of the land. On the large chunk of property or otherwise which is acquired, the Government is not supposed to put some other person or the police force in possession to retain it and start cultivating it till the land is used by it for the purpose for which it has been acquired. The Government is not supposed to start residing or to physically occupy it once possession has been taken by drawing the inquest proceedings for obtaining possession thereof. Thereafter, if any further retaining of land or any re-entry is made on the land or someone starts cultivation on the open land or starts residing in the outhouse, etc., is deemed to be the trespasser on land which in possession of the State. The possession of trespasser always inures for the benefit of the real owner that is the State Government in the case.”

9. Further still, it has been clarified by their Lordships in **Indore Development Authority’s case** (supra) that in case the possession is taken i.e. *rapat roznamcha* is entered or the compensation has been tendered, the acquisition proceedings cannot be deemed to have lapsed under Section 24(2) of the 2013 Act. In the present case, in para Nos.6, 7 and 8 of the reply filed by way of an affidavit of Sh. Bharat Bhushan Gogia, Land Acquisition Officer, Urban Estate Department, Rohtak, it has been stated as under :

“6. That the petitioners did not filed objection u/s 5A of the Act of 1894 and the land of the petitioners was vacant at the time of issuance of notification u/s 4 of the Act of 1894.

7. *That it is respectfully submitted that the possession of the land was taken at the time of announcement by recording the Rapat Roznamcha No.356 dated 14.01.2006 and was handed over to the beneficiary department. Further, the Hon'ble Supreme Court in the SLP (C) 9036-9038 of 2016 titled as Indore Development Authority v. Manoharlal and ors. vide judgment dated 06.03.2020 has categorically observed that once the possession is taken, the land vests absolutely in the State and cannot be given back. Since the Rapat was recorded, the possession is of the beneficiary department only.....*

8. *That further it is respectfully submitted that the entire amount Rs.42,45,43,182/- of the award was tendered by the LAC Rohtak at the time of announcement of award dated 14.01.2006, out of the total amount of award, Rs.9,26,95,044/- has already been disbursed among the landowners and rest of amount of compensation Rs.33,18,48,138/- is lying deposited in the account of LAC and is available for the disbursement and is lying deposited in the LAC Account and the petitioners are at liberty to receive the same. The Apex Court has held tender of the compensation amount as sufficient discharge of obligation to pay compensation.....”*

Thus, in the present case the possession stood taken and the compensation stood deposited much prior to the coming into force of the 2013 Act and the petitioners, therefore, cannot derive any benefit from the provisions of Section 24(2) of the 2013 Act.

10. The judgment in **Ram Kishan’s case** (supra) sought to be relied upon by the learned counsel for the petitioners would not come to his aid. In the said case their lordships relying on the judgment of **Pune Municipal Corporation & Anr. vs. Harakchand Misirimal**

Solanki & Ors. [(2014) 3 SCC 183] and other cases had held that the acquisition had lapsed under section 24(2) of the 2013 Act. In **Indore Development Authority's case** (supra), the judgment of the Supreme Court in **Pune Municipal Corporation's case** (supra) was overruled. Hence, the petitioners cannot claim parity with the petitioners in the case of **Ram Kishan's case** (supra).

11. 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

09.04.2026
Yogesh Sharma

(RAMESH CHANDER DIMRI)
JUDGE

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