



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Civil Writ Petition No. 33939 of 2019 (O&M)
Date of Decision: 16.02.2026

Jaipal Singh and others
..... Petitioners

Versus

State of Haryana and others
..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Shivam Singh Chauhan, Advocate
for the petitioners.

Mr. Abhinav Kalia, Deputy Advocate General, Haryana
for the respondents-State of Haryana assisted by
Mr. Sukhdarshan, SDO, Irrigation Department, Kurukshetra

HARKESH MANUJA, J. (ORAL)

By way of present writ petition, prayer has been made for setting aside of an order dated 25.05.2018 (Annexure P-6) passed by the Principal Secretary to Government of Haryana, Irrigation and Water Resources Department, Chandigarh, vide which the claim made by the petitioners-landowners with respect to grant of annuity was declined.

[2] Briefly stating, some land owned by the petitioners forming part of the revenue estate of Village Sialba, District Yamuna Nagar was acquired for public purpose, namely, for construction of Shahbad Feeder vide notifications dated 13.10.2004 and 18.03.2005 issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (**for short “the Act”**) respectively. An Award No. 35 under Section 11 of the Act was passed on 19.12.2005. Initially, on the basis of policy instructions dated 07.12.2007 and 09.11.2010, the petitioners were released the benefit of annuity upto the year 2015, however, later the said

benefit was denied by the respondents. Aggrieved thereof, the petitioners approached this Court having preferred CWP-6425-2018 wherein, on 15.03.2018, the following order was passed:-

“ Counsel inter alia submits that on account of the acquisition of the land the award was passed on 19.12.2005 and the petitioners became entitled to the annuity as per the policy of the Government dated 07.12.2007 (Annexure P-1) and revised on 09.11.2010 (Annexure P-2). It is the case of the counsel that they have received the annuity also till the year 2015 which had been deposited in the bank account and thereafter, payments have not been made. Representation dated 18.12.2017 (Annexure P-3) has also been made to respondent no. 2 to this effect. It is in such circumstances, they have approached this Court. Reference is also made to the order of the Division Bench dated 26.09.2011 passed in similar circumstances in Ramesh Kumar and others vs. State of Haryana and another (Annexure P-5) that even the amount of interest had been awarded on account of delay in payments.

Notice of motion.

Ms. Safia Gupta, AAG, Haryana accepts notice on behalf of the respondents and prays for time. Copies of the writ petition have been supplied to her.

Adjourned to 17.05.2018.

Let necessary affidavit be filed as to why payment is not being continued in favour of the petitioners and decision be taken on Annexure P-3 before the next date of hearing by respondent no. 2. In case there is any valid reason to deny the benefit, the said respondent shall pass a speaking order and place the same on record alongwith the detailed reply.”

[3] In pursuance thereof, the Principal Secretary to Government of Haryana, Irrigation and Water Resources Department, Chandigarh, passed a speaking order dated 25.05.2018 and declined the claim of annuity made by the petitioners for the following reasons:-

“ After perusal of the case file, it reveals that the land of petitioners and others was acquired for construction of Shahbad Nalvi Feeder vide award no. 35 dated 19.12.2005. The petitioners have received the amount of compensation in respect of said acquired land and amount of annuity was also paid to the petitioners upto year 2015 as per Haryana Govt. Policy dated 07.12.2007 which was further revised vide Policy dated 09.11.2010. Thereafter, in view of the huge land enhancement awarded by the Hon'ble Punjab and Haryana High Court vide order dated 05.05.2016, a committee was constituted for technical opinion on financial viability of ShahbadNalvi Feeder. On the recommendation of the report of said committee, the Council of Ministers in its meeting held on date 27.09.2017 approved the proposal for de-notification of the land acquired for construction of Dadupur Nalvi Irrigation Scheme. As the Govt. has decided to de-notify the land including the Land of petitioners which was acquired for construction of Dadupur Nalvi Irrigation Scheme/Shahbad Nalvi Feeder, the payment of annuity was also stopped.

In view of the above position, as the project of construction of Shahbad Nalvi Feeder is not financially viable due to huge financial implication, so the Government of Haryana has approved the proposal for de-notification of the land acquired for construction of Dadupur Nalvi Irrigation Scheme. The Govt. has taken up the matter of said de-notification on top priority and for this purpose, an Act proposing the requisite amendments in Land acquisition Act has been passed by Haryana Vidhan Sabha on 10.03.2017 and the same was forwarded to the Government of India for H.E. President's assent. Now the assent of H.E. President of India on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Bill, 2017 has been received and as per information dated 24.05.2018 received from the Department of Revenue and Disaster Management, Haryana, the said

Bill has been sent to the Legal Remembrancer, Haryana for publication of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Act, 2018 in the official Gazette. The land in question will be de-notified shortly in due course after completion of all legal formalities. Keeping in view of the entire position, I am of the considered view that since the Govt. has already decided to de-notify and return the land to the farmers, payment of annuity cannot be done. The representation dated 18.12.2017 (Annexure P-3) is decided accordingly.”

[4] By way of present writ petition, challenge has been laid to the aforesaid speaking order dated 25.05.2018.

[5] After hearing learned counsel for the parties and having gone through the paper-book/record, I find substance in the submission(s) made on behalf of the petitioners.

[6] A perusal of the record shows that as on the date of consideration of the claim made by the petitioners towards annuity benefit, no Gazette Notification about the de-notification of the acquired land was passed by respondent No. 1 and as such, the impugned order denying the benefit of annuity in favour of the petitioners-landowners by recording reasons of merely having decided to de-notify the acquired land was wholly illegal and unjustified. Admittedly, the de-notification of the land in question was later made vide gazette notification dated 03.08.2018 by the respondents having invoking Section 101-A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Haryana Amendment) Act, 2017. In such circumstances, the respondents could not have denied the annuity in favour of the petitioners-

landowners at least upto the date of de-notification i.e. 03.08.2018.

[6.1] Moreover, it may be noticed here that on a specific query, learned State Counsel, on instructions from Sh. Sukhdarshan, SDO, Irrigation Department, Kurukshetra, who is present in Court, informs that the possession of acquired land still remains in possession of the respondents in terms of the acquisition carried out vide notifications dated 13.10.2004 & 18.03.2005 issued under Sections 4 & 6 of the Act respectively.

[7] Accordingly, for the reasons recorded hereinabove, the impugned order dated 25.05.2018 is hereby quashed. Resultantly, the respondents having failed to discharge their obligation under policy instructions dated 07.12.2007 and 09.11.2010 towards the release of annuity benefits, are directed to disburse the same in favour of the petitioners-landowners within a period of two months from the date of receipt of certified copy of this order, without waiting for any application been made in this regard by the landowners. The respondents shall also grant interest at the rate of 9% per annum on the delayed disbursal of the arrears of annuity benefits to the petitioners.

[8] **Disposed of** accordingly.

[9] Pending miscellaneous application(s), if any, shall also stand disposed off.

February 16, 2026
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>