



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

**202+203**

**Date of Decision: 30.01.2026**

**RA-CW-483-2025 in/&  
CWP-15124-2016**

**SHRI HARI CHARITABLE TRUST**

**...Petitioner**

**Versus**

**STATE OF HARYANA AND ORS**

**...Respondents**

**RA-CW-475-2025 in/&  
CWP-8993-2015**

**GRAM PANCHAYAT VILLAGE NINAN**

**...Petitioner**

**Versus**

**STATE OF HARYANA AND ORS**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI  
HON'BLE MR. JUSTICE VIKAS SURI**

**Present:** Mr. Aman Pal, Senior Advocate with  
Mr. Bhupender Ghanghas, Advocate and  
Mr. Rajendra Kumar, Advocate,  
for the review petitioner (in RA-CW-475-2025).

Mr. Vikas Chatrath, Senior Advocate with  
Ms. Dhamanpreet Kaur, Advocate,  
for the review petitioner (in RA-CW-483-2025)

Mr. Sandeep Chhabra, Addl. A.G., Haryana.

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**HARSIMRAN SINGH SETHI, J. (ORAL)**

**RA-CW-483-2025 &  
RA-CW-475-2025**

1. The present review petitions have been filed keeping in view  
the order dated 06.10.2025 passed by the Hon'ble Supreme Court of India in  
Special Leave Petition (Civil) Diary No(s).40590 of 2025 and 44071 of



2025, by which the review petitioners were given liberty to approach this Court for the review of orders dated 27.03.2025 passed by the Coordinate Bench of this Court in CWP-15124-2016 and CWP-8993-2015, vide which the writ petitions were finally decided.

2. The order dated 06.10.2025 passed by the Hon'ble Supreme Court of India in Special Leave Petition (Civil) Diary No(s).40590 of 2025 is as under:-

“Delay condoned.

We have heard the learned counsel appearing for the petitioners.

*Prima facie*, we find that the order of remand passed by this Court has not been complied with

In such view of the matter, we are inclined to give liberty to the petitioners to file a review before the High Court within a period of four weeks from the date of receipt of a copy of this order.

Liberty is also given to the petitioner to challenge this order in the event of the review petition being dismissed.

The Special Leave Petitions are disposed of in aforesaid terms.

Pending applications(s), if any, shall also stand disposed of.”

3. A bare perusal of the above would show that an observation has been made by the Hon'ble Supreme Court of India that the order of remand of the writ petitions passed by the Hon'ble Supreme Court of India, vide order dated 21.02.2024 has not been complied with by Coordinate Bench of this Court while passing the orders dated 27.03.2025.



4. Keeping in view the said observation, coupled with the argument raised by the learned senior counsel for the review petitioner that no justifiable reason exercised with the State of Haryana so as to acquire the land in question, which argument has not been dealt by the Coordinate Bench while passing the orders dated 27.03.2025, dismissing the writ petitions, are hereby recalled.

5. On the joint request of learned counsel for the parties, the writ petitions are taken up for consideration.

**CWP-15124-2016 &**  
**CWP-8993-2015**

1. The petitioners have challenged the acquisition of land, where notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act') were issued on 26.08.2013 and 21.08.2014, respectively. The land was sought to be acquired for development of Sector 31-Part, Bhiwani. The land is situated in villages Ninaan, Had Bast No.17, Palawas, Had Bast No.12, Tehsil and District Bhiwani.

2. Learned Senior Counsel appearing on behalf of the petitioners has raised an argument that the acquisition of the land in question measuring 5.28 acres has been done by the Government in the present case without any valid justification. Learned Senior Counsel submits that though, the process envisaged under law so as to acquire the land in question, as has been upheld by the Hon'ble Supreme Court of India in Civil Appeal No. 5947-5948 of 2022, titled as 'HSI IDC and others vs. Deepak Aggarwal and others', decided on 28.07.2022 has been followed, but the only grievance of the petitioners is that the acquisition was done without any valid cogent reason and any justification also has not been given by the State of Haryana so as to



acquire the said land, especially when the Gram Panchayat as well as the petitioner-Shri Hari Charitable Trust have raised a crucial objection that the land in question has already been in use for beneficial purposes of the public at large. Learned Senior Counsel for the petitioner further submits that a community centre and Rajiv Gandhi Seva Kendra have been established on the land in question which is being used for public good and therefore, the said land should have been released from the acquisition after considering said objection, which has not been done, which issue needs to be adjudicated by this Court in the present petition.

2. Learned Additional Advocate General, Haryana, appearing on behalf of the State of Haryana, submits that prior to the issuance of notification under Section 4 of the Land Acquisition Act, 1894, in the year 2013, the area in the vicinity of the land in question had already been acquired, which acquisition was challenged by the landowners by making a reference to the land in question that the same has not been acquired so as to claim due compensation and adopting pick and choose method. Learned State Counsel further submits that qua said argument which was put before the Hon'ble Supreme Court of India by the State, in Special Leave to Appeal (Civil) No. 35396 of 2011, titled as 'Gaushala Trust, Bhiwani vs. State of Haryana and others', it was noticed that the land in question in the present case is also being acquired as draft notification under Section 4 of the Land Acquisition Act, 1894 had already been prepared and placed before the competent authority. Learned State counsel submits that keeping in view the said statement of the State of Haryana, the case was adjourned, where the notification under Section 4 dated 28.06.2013 was produced before Hon'ble



Supreme Court of India, hence, the acquisition has been done is in terms of the statement made before the Hon'ble Supreme Court of India. Learned State Counsel further submits that land has been acquired for public purpose namely development of transport and communication, which fact has gone unrebutted at the hands of the petitioners.

2.1 Learned State Counsel further submits that any building which was constructed on the land in question has already been released and therefore, no prejudice is being caused to the petitioners with regard to the acquisition of land in question.

3. We have heard the learned counsel for the parties and have gone through the record of the case with their able assistance.

4. It may be noted that all the arguments which were raised before the Coordinate Bench of this Court when the writ petitions were decided on 27.03.2025 have already been dealt with by the Coordinate Bench. The said order passed by the Coordinate Bench has not been shown to be perverse to this Court and the only argument raised is that certain other arguments with regard to the necessity of acquisition have not been dealt with. Hence, the order passed by the Coordinate Bench dated 27.03.2025 with regard to the issues raised and decided, is being reiterated once again for better adjudication of matter in hand. The findings recorded by the Coordinate Bench in the order dated 27.03.2025 in CWP-8993-2025 are as under:-

“2. The learned counsel appearing for the petitioner argues, that since the declaration as became passed under Section 6 of the Land Acquisition Act, 1894 (hereinafter referred to as “the Act of 1894”), was so passed on 21.8.2014, thereby when the date of making of the said declaration, thus occurred subsequent to the coming into force of the Right to



Fair Compensation and Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013 (hereinafter referred to as the “Act of 2013”). Therefore, he argues that no legal relevance can become assigned to the issuance of a notification under Section 4 on 26.8.2013.

3. Therefore, he submits that the notification(s) (supra), are required to be quashed, and, set aside, thus on the ground, that since on the date of makings of Section 6 notification, the 'Act of 2013' had assumed force thus, thereby the proceedings for acquisition were required to be launched under the 'Act of 2013', than under the 'Act of 1894'.

4. The above raised contention before this Court by the learned counsel for the petitioner, is no longer *res integra*, as it becomes completely answered by a verdict drawn by the Hon’ble Apex Court in case titled as “**Haryana State Industrial and Infrastructure Development Corporation Ltd. And others V Deepak Aggarwal and others**” to which **Civil Appeal No.5947-5948 of 2022** arising out of **SLP(C) Nos.16631-16632 of 2018** became assigned. The Hon’ble Apex Court in paragraph No.31 of the verdict (supra), paragraph whereof, becomes extracted hereinafter, had therein formulated the question of law, thus for an answer being rendered thereons.

*“31. Now, we will consider the other common questions involved in the captioned appeals. They pertain to the questions as to whether Section 4 notification issued under the L.A. Act prior to 01.01.2014 (date of commencement of 2013 Act) could continue or survive after 01.01.2014 and, as to whether Section 6 notification under the L.A. Act could be issued after 01.01.2014.”*

5. A reading of the hereinabove extracted formulated question of law, reveals that the issue which engaged the Hon’ble Apex Court appertained to whether the initiation of proceedings under the 'Act of 1894', commenced on the date



of the making of a notification under Section 4 of the said Act, or whether the initiation of acquisition proceedings under the 'Act of 1894', commenced on the date of making of a declaration under Section 6 of the 'Act of 1894'. It appears that the reason for the drawing of questions of law (supra), arose from the provisions occurring in Section 24(1) of the 'Act of 2013', provisions whereof stands extracted hereinafter.

***“24. Land acquisition process under Act No. 1 of 1894 shall be deemed to have lapsed in certain cases.—(1) Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894,—***

*(a) where no award under section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation shall apply; or*

*(b) where an award under said section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.”*

6. Moreover, the Hon’ble Apex Court was engaged in making an interpretation of the phraseology “proceedings initiated under the 'Act of 1894', as occurs in Section 24(1) of the 'Act of 2013'. In rendering an answer to the above question of law, the Hon’ble Apex Court in paragraph No.32 thereof, paragraph whereof becomes extracted hereinafter, had expostulated, that the initiation of acquisition proceedings under the 'Act of 1894', thus occurs on the date of making of a notification under Section 4 of the said Act, and, that the initiation of acquisition proceedings under the 'Act of 1894', does not occur, on the date of issuance of a declaration under Section 6 of the 'Act of 1894'.

*“We think that while considering those questions we will have to bear in mind the purposes and the legislative history of the 2013 Act and also the*



*intention of the legislature in drafting the same in the manner in which it now exists. We have already dealt with those aspects. One crucial aspect discernible from Section 24(1)(a) has also to be taken note of in this context. The combined effect of Section 24(1) and clause (a) thereof is that if land acquisition proceeding under the L.A. Act was initiated prior to 01.01.2014, the date of coming into force of the 2013 Act, and if it was not culminated in an award under Section 11 of the L.A. Act, then all the provisions of the 2013 Act relating to the determination of compensation should apply to such acquisition proceedings. Thus, it is obvious that in case of non-passing of an award in terms of Section 11 of the L.A. Act where the acquisition proceedings have been initiated prior to 01.01.2014, all provisions under the 2013 Act relating to the determination of compensation alone would apply to such acquisition proceedings. In other words, it would mean that in such circumstances the land acquisition proceedings should continue, but all the provisions relating to the determination of compensation under the 2013 Act alone will be applicable to such proceedings, meaning thereby, the 2013 Act would come into play only at that stage. There can be no doubt with respect to the position that between the initiation of land acquisition proceedings by issuance and publication of notice under Section 4(1) of the L.A. Act and the stage at which compensation for the acquisition calls for determination, there are various procedures to be followed to make the acquisition in accordance with the law. The question is when Section 24(1) of the 2013 Act makes it clear with necessary implication that all provisions of the 2013 Act relating to the determination of compensation alone would be applicable to such proceedings initiated under the L.A.*





*Act but, not culminated in an award, how the procedures are to be regulated during the intervening period till the proceedings reach the stage of determination of compensation. There cannot be any uncertainty on that aspect. The procedures to be undertaken and the manner in which they are to be regulated cannot remain uncertain. They are conducted either in the manner provided under the L.A. Act or in the manner provided under the 2013 Act. But then, in view of Section 24(1)(a), the provisions relating to the determination of compensation alone can be applied to such proceedings or in other words, there is only a restricted application of the provisions of the 2013 Act in relation to such proceedings. The inevitable conclusion can only be that what is applicable to the various procedures to be undertaken during the period up to the stage of determination of compensation are those prescribed under the L.A. Act. We have no doubt that without such a construction, the provisions under Section 24(1)(a) would not work out, in view of the restrictive application of the 2013 Act. It is in this context that the decision in Ambica Quarry Works' case (supra) assumes relevance. Any construction of the said provision without taking into the legislative intention, referred hereinbefore would defeat the legislative intention as also the very objects of the 2013 Act. Certainly, it would not be in public interest to allow such proceedings to lapse or allow the authorities to follow the procedures during such period according to their sweet will. A uniform procedure has to be followed in respect of such proceedings. The acquisitions initiated for public purposes should go on in a fair and transparent manner with a view to achieve the intent and purport of the 2013 Act and at the same time, the persons affected shall have definite idea about the manner in*



*which procedures would be conducted. The Party 'B' would not be justified in describing such situations of necessity and the consequential application of provisions which are actually saved on account of the construction of Section 24 as an attempt to bring the words expressly employed in Section 24(1)(b) and absent in Section 24(1)(a), by indirect method to Section 24(1)(a) of the 2013 Act. The aforesaid conclusions and findings would make the contentions of Party 'B' that Section 4(1) notification issued prior to 01.01.2014 could not survive after 01.01.2014 and also that Section 6 notification under the L.A. Act could not be issued after 01.01.2014, unsustainable. In fact, all such procedures and formalities shall be continued till the determination of compensation by applying all the provisions for determination of compensation, under the 2013 Act. A contra-construction, in view of the restrictive application of the provisions to such proceedings during its continuance, would make the provisions under Section 24(1)(a) of the 2013 Act unworkable."*

7. Moreover, while making the above interpretation to the above statutory phraseology, which occurs in the 'Act of 2013', the Hon'ble Apex Court in paragraph 32 carried in verdict (supra), thus proceeded to declare, that if the notification under Section 4 of the 'Act of 1894', is issued prior to the coming into force of the 'Act of 2013', thereby if the award, which was otherwise to be drawn in terms of Section 11, of the 'Act of 1894', thus is not drawn prior to the coming into force of the 'Act of 2013', or is drawn on coming into force of the 'Act of 2013', yet the Acquiring Authority concerned, rather in terms of the provisions extracted (supra), becoming endowed with or being preserved a liberty, to yet proceed to make an award under the 'Act of 1894', besides the making of an award under the 'Act of 1894', thus post the coming into force of the 'Act of 2013', rather assuming force.



Importantly, yet the compensation being amenable to become determined in terms of the statutory principles contemplated under the 'Act of 2013'.

8. In consequence, it has to be now determined, whether the Acquiring Authority concerned, issued the notification under Section 4 of the Act of 1894, thus prior to the coming into force of the Act of 2013, inasmuch as, whether the said notification became issued prior to 01.01.2014, thus whereons the 'Act of 2013' assumed force and/or came into operation.

9. In the above regard, it is not disputed, that the notification as issued under Section 4 of the 'Act of 1894', was issued on 26.8.2013, and, when the date of issuance of the said notification, is prior to the coming into force of the 'Act of 2013'. Therefore, in terms of the verdict (supra), the acquisition proceedings became initiated as such under the 'Act of 1894'. Consequently, the subsequently issued declaration under Section 6 of the 'Act of 1894', even if the date of making of the said declaration, was subsequent to the coming into force of the 'Act of 2013'. Nonetheless, the trite factum of issuance of a notification under Section 4 of the 'Act of 1894' rather on a date, but prior to the coming into force of the 'Act of 2013', has the conspicuous relevance and import, thus for thereby validating the subsequently issued declaration under Section 6 of the Act of 1894.

10. Furthermore, a perusal of reply on affidavit reveals that the award of the instant acquisition proceedings could not be passed owing to the interim orders passed by this Court, which were further made absolute by this Court vide order dated 05.09.2017, whereby the notification qua the petitioner was quashed in view of the full Bench judgment rendered in case titled as **Deepak Aggarwal and another Vs. State of Haryana and others**. Thereafter, the said judgment of the full Bench of this Court became set aside by the Hon'ble Apex Court in case titled as **HSI IDC Vs. Deepak Aggarwal (Supra)** and the instant writ petition became remanded by the



Hon'ble Apex Court vide order dated 21.02.2024 and the Hon'ble Apex Court directed to maintain **status quo** regarding possession. It was in view of the above stay order in operation till today, that the award could not be pronounced.

11. However, since the said non passing of award and non assumption of possession of the subject lands was owing to the interim/final orders respectively passed by this Court and the Hon'ble Apex Court, therefore, it cannot be construed that the authorities have not proceeded in accordance with law and/or the acquisition proceedings become vitiated.

12. Reliance in this regard has been placed upon the verdict rendered by the Hon'ble Apex Court in case titled as '***State of Maharashtra Vs. M/s Moti Ratan Estate and Anr.***' ***reported in AIR 2019 (SUPREME COURT) 4149***, wherein it has been expostulated that *if there is any stay over the action or proceeding by a Court of law, in one or the other matter arising from the selfsame acquisition proceedings in reference to Section 4 followed with Section 6 of the Act, the authorities are said to be justified in the given facts and circumstances to stay their hands and await the decision of the Court and such a period during which there is a stay over the action or proceeding by a Court of law in a matter, that has to be excluded for all practical purposes, in computing the statutory period of two years in passing of an award under Section 11 of the Act.*

13. The import of the above expostulations, is that, the non rendition of awards under the 'Act of 1894', when arises from stay orders becoming granted by the Courts of Law, thereby the launching of acquisition proceedings under the 'Act of 1894', thus would not become lapsed, rather the Collector concerned, may in terms of Section 11 of the 'Act of 1894' thus make an award.

14. However, in the instant case the Section 4 notification became issued on 26.8.2013, followed by declaration under



Section 6 of the 'Act of 1894' on 21.8.2014, therefore, in view of the settled factual matrix rendered in judgment by the Hon'ble Apex Court in *HSI IDC Vs. Deepak Aggarwal case (supra)*, the provisions of Section 24 (1) (a) of the 'Act of 2013' shall apply to the instant case and the determination of compensation shall be made in accordance with the provisions of the 'Act of 2013'.

15. Therefore, the respondent concerned, is directed to pass award under Section 11 of the 'Act of 1894' in respect of the acquired lands but the determination of compensation be made in terms of the 'Act of 2013'. Furthermore, the petitioner is directed to forthwith hand over encumbrance free possession of the subject lands to the respondent concerned.

16. Conspicuously also since it has been stated in the reply on affidavit, already on record, that the subject lands are an integral component of the layout plans, thereby when they are facilitating the relevant public purposes. Consequently, when public purpose than the ill individualistic interest of the petitioner is rather to be furthered. Resultantly, this Court finds no merit in the instant petition, and, is constrained to dismiss it.

**Final Order of this Court.**

17. In aftermath, this Court finds no merit in the writ petition, and, with the above observations, the same is hereby dismissed. The impugned notification(s) are maintained and affirmed but as stated (supra) the award be passed qua the subject lands under Section 11 of the 'Act of 1894' but compensation be determined in terms of the 'Act of 2013'."

5. The findings recorded by the Coordinate Bench vide order dated 27.03.2025 reproduced above stand reiterated even by this Court today.

6. The question raised with regard to the necessity of the



acquisition, which has been raised before this Court now, the same has been explained by the learned State counsel that the same was done keeping in view the statement given by the State of Haryana before the Hon'ble Supreme Court of India in Special Leave to Appeal (Civil) No. 35396 of 2011, titled as '*Gaushala Trust, Bhiwani vs. State of Haryana and others*', which fact has gone unrebutted at the hands of the petitioners. Hence, the assertion of the learned senior counsel for the petitioner that the land in question has been acquired without any application of mind cannot be accepted and is accordingly rejected.

7. The argument raised at the hands of the petitioners that there was no necessity at the hands of State for acquiring the land in question, especially when the same was already being used for larger public good, the same also cannot be accepted. In this regard, it may be noticed that building of Rajiv Gandhi Seva Kendra, which was constructed by the petitioner for the execution of some public purpose, has not been acquired, which is a conceded fact.

8. Further, the grievance raised by the petitioners with regard to the pond area and the land on which the community centre had been constructed that the same has not been released, it may be noticed that the said land has been acquired for the general public and also for the residents of the village and the same will be beneficial especially to the residents of the village. It has already come on record that the acquired land is to be used for development of transport and communication. Hence, it cannot be said that in the in the act of acquiring the said land, no public purpose is involved, rather the case is quite contrary. Merely because a certain portion



of the building falling in the chunk of land in question, which could not be released due to the execution of the purpose for which the acquisition is being made, cannot be treated as arbitrary or illegal.

9. It may be noticed that the present land was the left out land from the earlier acquisition of land done by the State for the purpose of establishing sector 31-Part, Bhiwani. The action of leaving the present land out of acquisition was made part of the challenge before the Hon'ble Supreme Court of India, wherein the State undertook before the Hon'ble Supreme Court of India that the remaining land i.e. the land in question in the present matter is also being acquired for public purpose and for greater public good, which undertaking was established by placing on record notification under Section 4, upon which the earlier acquisition of land in vicinity of land in question was upheld. Now, keeping in view said undertaking, fulfilment of which is necessary, the land in question has been acquired which also has been done for the public purpose, which fact has gone un rebutted at hands of petitioners. Hence, once there is a due application of mind in acquiring the land in question, coupled with the fact that the same has been done for public purpose, no ground is made out for any interference in the acquisition of the land.

10. In CWP-15124-2016, learned senior counsel appearing on behalf of the petitioner submits that the Land Acquisition Officer has made an observation qua releasing of the land in question. It may be noticed that such observation goes contrary to the undertaking given by the State of Haryana before the Hon'ble Supreme Court of India that the same will be used for public purpose, hence, keeping in view said aspect, the



recommendation made by the Land Acquisition Officer will not entitle the petitioner to claim the release of the land in question.

11.           Learned senior counsel appearing on behalf of the petitioner further submits that the time period prescribed to pass an award for land acquisition, which is to be granted by the Collector, has already lapsed in terms of Section 11A of the Land Acquisition Act, 1894. On being asked to point out the same from the pleadings and factual averments on this aspect, learned senior counsel appearing on behalf of the petitioner fairly concedes that there exists no such averment. Once, no such averment has been made in the writ petition, the same cannot be raised at the stage of argument. It is only the pleadings which have been occurred that need to be decided by this Court especially when, the liberty was given by the Hon’ble Supreme Court of India to decide the remaining issues as have been raised in the writ petition.

12.           No other arguments has been raised.

13.           Keeping in view the discussion made hereinbefore, the present writ petitions are dismissed.

14.           Pending applications, if any, also stand disposed of.

15.           Photocopy of this order be placed on the file of connected case.

( HARSIMRAN SINGH SETHI )  
JUDGE

( VIKAS SURI )  
JUDGE

January 30, 2026  
*harish*

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether reportable        | No  |