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

CWP-34062-2025 (O&M)

Date of Decision : 18.03.2026

SANTOSH DEVI

.... 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 Deswal, Advocate for the petitioner.

Mr. Saurabh Mago, DAG Haryana for the respondents.

ALKA SARIN, J. (ORAL)

1. The present writ petition has been filed under Articles 226 and 227 of the Constitution of India for issuance of a writ in the nature of Mandamus directing the respondents to decide the representation dated 07.08.2025 (Annexure P-13) of the petitioner filed for release/de-notification of the land and further directing respondents No.1 to 3 not to acquire her land 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 the 'Act of 2013').

2. Brief facts which are necessary for the disposal of the present case are that a notification (Annexure P-3) under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the 'LA Act') was issued on 27.01.2003. The purpose of the acquisition was development and utilization

of land for residential/commercial Sectors 18, 19 and 20 Part and Commercial Sector-17 Part at Rewari. The declaration (Annexure P-4) under Section 6 of the LA Act was issued on 23.01.2004. The award (Annexure P-7) was passed on 20.01.2006. The petitioner filed a representation (Annexure P-13) on 07.08.2025 for the first time for de-notifying the land i.e. after a period of almost 20 years since the date of completion of the acquisition.

3. Learned counsel for the petitioner has contended that though his representation dated 07.08.2025 (Annexure P-13) is also qua Section 24(2) of the Act of 2013, however, the said representation of the petitioner may be considered only under Section 101-A of the Act of 2013.

4. Learned counsel for the respondents, on instructions from the Land Acquisition Collector, Gurugram, stated that the acquisition proceedings stood completed on 20.01.2006 when the award (Annexure P-7) was passed and thereafter possession was taken. The land of the petitioner was utilized under the 45 Meter Road and that the Sector is now a developed Sector. It is further contended that there is no question of de-notifying the land as it already stands utilized. Learned counsel for the respondents has further pointed out that at the time of acquisition the land was vacant and now the sectors have been developed.

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

6. In the present case undisputedly the notification (Annexure P-3) under Section 4 of the LA Act for acquisition of the land was published on 27.01.2003 and thereafter the declaration under Section 6 of the LA Act was

made vide notification (Annexure P-4) on 23.01.2004. Subsequently the award (Annexure P-7) under Section 11 of the LA Act qua this acquisition was made on 20.01.2006 and possession was taken. As such, the proceedings of land acquisition stood completed as on 20.01.2006. Almost 20 years after the date of completion of the acquisition proceedings, the petitioner herein submitted a representation (Annexure P-13) before the Authorities concerned on 07.08.2025 seeking release of her land from the above acquisition. The submission of the said representation is nothing but an attempt to create a fresh cause for reviving an extinguished and time barred claim. The Hon'ble Supreme Court in **The State of Orissa Versus Bhagaban Mohanty (dead) through LRs [CA. No. _____ of 2025 arising out of SLP (C) No.26965-2019 decided on 03.03.2025]** has held as under :

“5. We have not been shown that the Tribunal had assigned any reason as to why it felt satisfied in entertaining a grossly delayed original application under Section 19 of the Act (the first of the two original applications). Eighteen years to move the Tribunal with the first original application was too long a time and being beyond the prescribed period of limitation, no order should have been passed on it in the first place. We are, at this stage, reminded of the decision of this Court in Union of India v. M.K. Sarkar where law was declared in the following terms:

15. When a belated representation in regard to a “stale” or “dead” issue/dispute is considered and decided, in compliance with a direction by the court/tribunal to do so, the date of such decision cannot be considered as furnishing a fresh cause of action for reviving the “dead” issue or time-barred dispute. The issue of limitation or delay and laches should be considered with reference to the original cause of action and not with reference to the date on which an order is passed in compliance with a court’s direction. Neither a court’s direction to consider a representation issued without examining the merits, nor a decision given in compliance with such direction, will extend the limitation, or erase the delay and laches.

16. A court or tribunal, before directing “consideration” of a claim or representation should examine whether the claim or representation is with reference to a “live” issue or whether it is with reference to a “dead” or “stale” issue. If it is with reference to a “dead” or “stale” issue or dispute, the court/tribunal should put an end to the matter and should not direct consideration or reconsideration. If the court or tribunal deciding to

direct “consideration” without itself examining the merits, it should make it clear that such consideration will be without prejudice to any contention relating to limitation or delay and laches. Even if the court does not expressly say so, that would be the legal position and effect.”

7. Further, as per Section 24(b) of the Act of 2013, where an award under Section 11 of the LA Act has been made, then proceedings under that Act shall continue under the provisions of the LA Act as if the said Act has not been repealed. Therefore, since the acquisition proceedings already stood completed as on 20.01.2006 i.e. the date of passing of the award under Section 11 of the LA Act and possession stood taken, no benefit of reopening the concluded acquisition proceedings can be derived by the petitioner under the Act of 2013. The Hon’ble Supreme Court in the case of **Indore Development Authority Versus Manoharlal & Ors. [2020 (8) SCC 129]** has held as under:

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

XXXXX XXXX

366.9 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 petitioner by now filing a representation and seeking directions from this Court for consideration of the representation in effect is seeking to create a new cause of action which will lead to filing a spate of further litigations qua an acquisition which stood concluded in 2006. The petitioner slept over the matter when there was a cause of action available to her to challenge the acquisition proceedings under the LA Act. That cause of action having been extinguished, the petitioner cannot seek to create a fresh cause of action by submitting a representation. In any case the learned counsel for the respondents has made a categorical statement that there is no question of de-notifying the land as it stands utilized.

9. In view of the above, no ground is made out to entertain the present writ petition and the same is accordingly dismissed. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

(RAMESH CHANDER DIMRI)
JUDGE

18.03.2026

Aman Jain

NOTE:

Whether speaking/non-speaking: Speaking

Whether reportable: Yes/No