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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

**LPA-581-2022 (O & M)
Reserved on: 27.02.2025
Pronounced on: 01.04.2025**

SAVITA DEVI AND ANR.

.....Petitioners

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE VIKAS SURI**

Argued by: Mr. Jayender S. Chandail, Advocate
(appellant No. 2 in person) and
representing appellant No. 1.

Mr. Ankur Mittal, Addl. A.G., Haryana.
Mr. P.P.Chahar, Sr. DAG, Haryana.
Mr. Saurabh Mago, DAG, Haryana.
Mr. Karan Jindal, Asstt. A.G., Haryana.

Mr. P.S.Chauhan, Advocate
Mr. Ankur Mittal, Advocate
Ms. Kushaldeep Kaur, Advocate
Ms. Saanvi Singla, Advocate and
Mr. Siddharth Arora, Advocate
for respondent – HSVP.

Mr. M.S.Khaira, Senior Advocate with
Mr. Jaswinder Singh, Advocate for Aviraj (minor)
through his mother as intervener.

SURESHWAR THAKUR, J.

1. The instant LPA was disposed of partly through an order made by this Court on 02.05.2024. The operative part of the said order is extracted hereinafter.

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26. *Therefore, the LPA (supra), and, other connected writ petitions are disposed of with directions to the learned Executing Court concerned, seized with the execution petitions concerned, to excepting theirs adopting coercive measures for therebys, ensuring the realizations of determined compensation to the land losers concerned, to thus, within four months from today, ensure that the entire components of the assessed compensation amounts, as made through awards passed by the learned reference court, become redeemed to all concerned. Moreover, the said compensation amounts shall be ensured to be so released to the land-losers concerned, thus, strictly in terms of all the statutory benefits as envisaged in the Land Acquisition Act, 1894.*

27. *The learned counsel appearing for the appellant in the said LPA, though instituted LPA bearing no.581 of 2022, which is directed against the order(supra) drawn by the learned Singh Bench on 05.05.2022, but he has attempted to expand the jurisdiction of the LPA Court, so as to also cover, the relief as relating to his seeking the making of a lapsing declaration in terms of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short the Act of 2013).*

28. *Even though a reading of the order(supra), as became rendered by the learned Single Bench of this Court, wherefrom the present appellants/petitioners becomes aggrieved, reveals that therebys, he has only dealt with the issue relating to the apposite non-disbursements to the present appellants/petitioners, thus, by the respondents concerned, but the learned Single Bench has not yet dealt with the further relief carried therein as relating to the making of a lapsing declaration, vis-a-vis, the land-losers concerned, thus, in terms of Section 24(2) of the Act of 2013.*

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29. *In the wake of the said canvassed relief neither being dealt with, nor any reason being assigned in the verdict drawn by the learned Single Bench, thus to either accept or reject the said relief, thereby, insofar as the said purported infirmity, as manifesting in the verdict made by the learned Single Bench of this Court, therebys, LPA No.581 of 2022, as directed against the said non-mentioning of the said relief therein, thus, is maintainable before this Court.*

30. *In consequence, the instant LPA is disposed of partly, inasmuch as, to the extent that the learned Executing Court concerned, is directed to expeditiously within four months from today, conclude the execution proceedings enclosed in the apposite execution petition(s), but the LPA is retained in the docket of the roster Court concerned, but only for determining the validity of the plea raised therein relating to learned Single Bench, neither making any mentioning therein about the relief(supra), nor his making any reason therein, for therebys, either accepting or rejecting the said relief.*

31. *For hearing on the LPA insofar as relates to the said facet, the matter is adjourned to **24.07.2024**.*

32. *The writ petitions(supra) are disposed of accordingly.”*

2. Moreover, when the instant LPA was listed for hearing on 20.09.2024, the hereinafter extracted order was passed thereons.

1. *Mr. Chander Shekhar Khare, Chief Administrator, HSVP is present in Court and states that the entire determined compensation amount has been deposited before the learned Reference Court concerned, in respect of the acquisitions made by the HSVP of all the lands of the land losers, in the State of Haryana.*

2. *Insofar as the relevant facts, specifically appertaining to the instant case are concerned, it is unfolded in paragraph 8 of the affidavit that the fullest complement of compensation, falling to the present appellants, has been deposited before the learned Reference Court concerned.*

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3. *Moreover, when it is also stated therein that if there is any deficit or shortfall in the said deposited compensation amount, therebys obviously the Executing Court concerned, on objections to the said deposit being made, shall proceed to decide the said aspect.*
4. *In view of the above, the instant petition is closed, leaving liberty to the present petitioners-appellant to move an appropriate execution application before the learned Executing Court (reference Court) where the compensation amount has been deposited, also may file an application for release of the said deposited compensation amount, and, on such application for release becoming filed before the learned Executing Court (Reference Court), thereupon the latter shall proceed to lawfully decide the same.*
5. ***However, the writ petition is kept alive for determining the espoused relief pertaining to the land losers land, carried in a dimension of 24 Kanals becoming released in his favour. In the above regard, Mr. Chander Shekhar Khare, Chief Administrator, HSVP is directed to file a fresh supplementary affidavit about the said claim becoming well backed in terms of the relevant decisions passed by this Court and as by the Hon'ble Apex Court.***
7. *List for the said purpose on 15.10.2024.*
8. *Presence of Mr. Chander Shekhar Khare, Chief Administrator, HSVP, is dispensed with in future, unless this Court requires his assistance.”*
3. Accordingly, supplementary affidavit became filed by the concerned before this Court. Now, this Court is required to adjudicate upon the claim made by the appellants, wherebys, they seek release of 24 kanals of the land.
4. The above espoused writ claims become founded upon the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short ‘the Act of 2013’), whereunders the petitioners become empowered to claim the making of a lapsing declaration.
5. The present petitioners would be entitled to the espoused writ relief(s), as relates to this Court, thus declaring rather lapsed the

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extantly drawn acquisition proceedings, but only when the provisions embodied in Section 24(2) of the 'Act of 2013', become proved to become breached by the respondents. However, for the reasons to be assigned hereinafter, the asked for relief qua the making of a lapsing declaration rather cannot be accorded by this Court.

6. Primarily for the reason, that the present petitioners would be entitled to coax this Court to declare the launching of the acquisition proceedings under the Act of 1894, to thus become lapsed, but only when the respondent-State, rather had completely failed to, in terms of the verdict rendered by the Constitutional Bench of the Hon'ble Apex Court in ***Indore Development Authority versus Manohar Lal and others, reported in (2020) 8 SCC 129***, adduce sufficient/clinching discharging evidence, in respect of the duo parameters, inasmuch as, (i) qua rapat possession being made over the acquired lands, (ii) and, qua the compensation, as became determined by the Collector concerned, becoming deposited for therebys its becoming available for being released to the land losers concerned, besides the said events evidently happening before the coming into force of the 'Act of 2013'.

7. To determine the above, it is necessary to refer to the reply on affidavit, already on record. A reading of the paragraph no. 4 of the said reply on affidavit, reveals, that possession over the acquired lands became assumed through Rapat Roznamcha No. 449 dated 17.06.1992 and the same was handed over to the beneficiary department i.e. HSVP, on the same date of pronouncement of award.

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8. Further, a perusal of the reply on affidavit reveals, that as per revenue record, Sh. Raj Kumar son of Ajmer Singh, was shown as owner and one Sh. Gurbachan Singh son of Inder Singh, is shown as *Gair Maurusiin* in respect of the above said land measuring 24 kanal. Moreover, reference under Section 18 read with Section 30 of the Land Acquisition Act, 1894 was filed by the objector Gurbachan Singh in respect of the aforesaid land. The Land Acquisition Collector sent the said reference to the learned Reference Court for adjudication and the learned Reference Court held Sh. Gurbachan Singh to be entitled for apportionment of compensation amount to the extent of 50 % and remaining 50 % in favour of land owner Raj Kumar etc.

9. Moreover, it is further indicated in the reply, on affidavit that Regular First Appeals were filed before this Court and cases were remanded to the learned Reference Court for fresh adjudication. The learned Reference Court thereafter passed a fresh award dated 17.09.2012 and the compensation was enhanced to Rs. 250/- per sq. yard. Further, Sh. Gurbachan Singh was held entitled to receive 3/4th share of the compensation qua 24 kanal land comprised in khasra No. 55//7/8/14 and Sh. Raj Kumar being the landlord was held entitled to receive 1/4th share in compensation regarding the land under the tenancy of Sh. Gurbachan Singh.

10. Moreover, **REA No. 482 of 2013** titled as **Balbir Singh and Ors. Vs. Raj Kumar and Anr.** and **REA No. 6458 of 2012** titled as **Raj Kumar Singh Vs. Balbir Singh and Others** were filed against

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the afore stated award passed by the learned Reference Court and the said appeals are pending before this Court.

11. A perusal of the afore reveals that that despite the total amount of assessed compensation becoming tendered, yet the petitioners-appellants not seeking disbursement(s) thereof. Moreover, despite the said amount lying deposited with the LAC concerned, for therebys theirs becoming available for becoming released to the land losers concerned, yet no disbursement(s) thereof becoming claimed. Moreover, since the parties have already contested for the enhancement of the compensation amount till the appellate stage.

12. The effect of the above, is that, thereby the petitioners-appellants are deemed to accept the validity of the launching of the acquisition proceedings, and thereby they are rather estopped from challenging the validity of the launching of the acquisition proceedings.

13. In consequence, since both the above events took place prior to the coming into force of the 'Act of 2013', resultantly, in terms of the verdict recorded by the Hon'ble Apex Court in **Indore Development Authority's case (supra)**, the present petitioners-appellants are not entitled to make any espousal before this Court, that a lapsing declaration be made in terms of Section 24(2) of the 'Act of 2013'. In sequel, the above made writ claim is declined.

14. 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

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relevant public purposes. Consequently, when public purpose than the individualistic interest is rather to be furthered. Resultantly, this Court finds no merit in the instant appeal, and, is constrained to dismiss it.

15. Since the main case itself has been decided, thus, all pending applications, if any, are disposed of as such.

(SURESHWAR THAKUR)
JUDGE

(VIKAS SURI)
JUDGE

01.04.2025
kavneet singh

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No