

NON-REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal No. _____ of 2023
(@ Special Leave Petition (C) No. 20857 OF 2022)

The State of Haryana & Ors. ...Appellants(s)

Versus

Hira Singh ...Respondent(s)

with

Civil Appeal No. _____ of 2023
(@SLP(C) No. 28803/2018)

Civil Appeal No. _____ of 2023
(@SLP(C) No. 30435/2018)

Civil Appeal No. _____ of 2023
(@SLP(C) Nos. 418-419/2019)

Civil Appeal No. _____ of 2023
(@SLP(C) No. 21301/2022)

Civil Appeal No. _____ of 2023
(@SLP(C) No. 20856/2022)

Civil Appeal No. _____ of 2023
(@SLP(C) No. 20859/2022)

Civil Appeal No. _____ of 2023

(@SLP(C) Nos. 20864-20865/2022)

Civil Appeal No. _____ of 2023

(@SLP(C) No. 21305/2022)

J U D G M E N T

M.R. SHAH, J.

1. Feeling aggrieved and dissatisfied with the impugned common judgment and order dated 27.10.2016 passed by the High Court of Punjab and Haryana at Chandigarh in CWP No. 26213/2014 and other allied writ petitions, by which, the Division Bench of the High Court has allowed the said writ petitions and has declared that the acquisition with respect to the lands in question is deemed to have lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and

Resettlement Act, 2013 (hereinafter referred to as “Act, 2013”), the State of Haryana and others have preferred the present appeals.

2. From the impugned common judgment and order passed by the High Court, it appears that the Division Bench of the High Court has declared that the acquisition with respect to the lands of respondents – original writ petitioners shall be deemed to have lapsed under Section 24(2) of the Act, 2013 by

observing in paragraph 21 as under: -

“(21) It is undeniable that compensation amount has not been paid or deposited with the Civil or Reference Court as per Section 31(2) of the 1894 Act. It may further be seen from the date of Awards in each case that the same were passed five years or more prior to the new Act came into force on 01.01.2014. It thus stands established that one of the statutory stipulation contained in Section 24(2) re: non-payment of compensation or its deposit for a

period of five years or more from the date of passing of the award till the new Act came into force stands indisputably established in these cases. Equally correct will be to hold that the petitioners have in each case established that they continue to retain the physical possession of the acquired land/properties.”

2.1 It is the case on behalf of the State that in all these cases the acquisition proceedings under the Land Acquisition Act, 1894 was under challenge by the land owners challenging the notification issued under Sections 4/6 of the Land Acquisition Act, 1894 and the respective original land owners failed to get any relief. It is also the case on behalf of the State of Haryana that in fact the possession of the lands in question acquired was already taken over and in most of the cases by drawing the Rapat/Rooznamcha and therefore, upon

taking the possession the lands vested with the State Government. It is submitted that therefore, in view of the decision of the Constitution Bench of this Court in the case of **Indore Development Authority Vs. Manoharlal and Ors., reported in (2020) 8 SCC 129**, there shall not be any deemed lapse of acquisition with respect to the lands acquired as observed and held by the High Court.

3. Shri K.T.S. Tulsi and Shri Gopal Shankranarayanan, learned Senior Advocates appearing on behalf of original writ petitioners in SLP Nos. 20857/2022 and 28803/2018, respectively, in the cases of Hira Singh and Pritam Kumar Goel, have submitted that in fact the respective land

owners are in actual and physical possession of the lands in question. It is submitted that therefore and when the compensation has not been paid/tendered as per Section 31 of the Land Acquisition Act, 1894 as rightly observed and held by the High Court, there shall be deemed lapse of acquisition as the conditions mentioned in Section 24(2) of the Act, 2013 are satisfied.

3.1 Shri K.T.S. Tulsi, learned Senior Advocate, appearing on behalf of the original land owner – Hira Singh in SLP No. 20857/2022 has relied upon some documents produced along with the application that in fact the proposal for realignment of the road is going on and therefore, the purpose for which the land is acquired, the land is not needed.

3.2 Shri Gopal Shankranarayanan, learned Senior Advocate, appearing on behalf of the original land owner – Pritam Kumar Goel in SLP No. 28803/2018 has also submitted that in the present case the proposal for de-acquisition of the land in question is pending and is actively under consideration, for which he has heavily relied upon the reply under the RTI Act.

3.3 Learned counsel appearing on behalf of the respondents in other Special Leave Petitions have requested/prayed that in case this Court proposes to remand the matter to the High Court in that case liberty be reserved in favour of the land owners to approach the State Government under Section 101-A of the Act, 2013 as applicable to the State of

Haryana for de-acquisition of the lands in question acquired.

4. Having heard learned counsel appearing on behalf of the respective parties and having gone through the impugned common judgment and order passed by the High Court, more particularly, paragraph 21 of the impugned order and as it is the case on behalf of the State of Haryana that the possession of the lands in question was taken over by preparing Rapat/Rooznamcha and in one case, the possession could not be taken due to stay order/pending litigation, the matters are required to be remanded to the High Court to decide the writ petitions afresh in accordance with law and on its own merits taking into consideration the law laid-down

by this Court in the case of **Indore Development Authority (supra)**.

5. In view of the above and for the reasons stated above, without further entering into the merits of the cases and without expressing anything on the merits in favour of either of the parties, we set aside the impugned common judgment and order passed by the High Court and remit the matters back to the High Court to decide the same afresh in accordance with law and on its own merits and taking into consideration the law laid down by this Court in the case of **Indore Development Authority (supra)**. All the contentions which may be available to the respective parties are kept open to be considered by the High Court in accordance

with law and on its own merits as observed hereinabove.

6. We request the High Court to decide and dispose of the writ petitions on remand at the earliest and preferably within a period of nine months from the date of receipt of the present order. However, it is observed that the order of remand shall not preclude the State Government in taking any appropriate decision on de-acquisition of the land as contended on behalf of the original land owner – Pritam Kumar Goel (In SLP No. 28803/2018) and the same may be considered in accordance with the law and on its own merits and if permissible under the law.
7. Similarly, taking into consideration order dated 29.09.2021 passed in SLP (C) Nos.

2966-2967/2021 and other allied Special Leave Petitions, liberty is reserved in favour of the original writ petitioners to make a representation to the State Government in terms of Section 101-A of the Act, 2013, as applicable to the State of Haryana, to be made within a month from today if they so desire, which may be decided in accordance with law and on its own merits within a period of four months thereafter, for which we have not expressed anything in favour of either of the parties.

Present appeals stand disposed of in terms of the above. No costs.

.....J.
[M.R. SHAH]
.....J.
[C.T. RAVIKUMAR]

NEW DELHI;
MAY 02, 2023