



234

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

CWP-26942-2016 (O&M)

Date of Decision : 23.04.2026

Mukhtiar Singh & Ors

... Petitioner(s)

Versus

State of Haryana & Ors

... Respondent(s)

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN
HON'BLE MR. JUSTICE RAMESH CHANDER DIMRI**

Present : Mr. Adarsh Jain, Senior Advocate with
Ms. Amandeep Kaur, Advocate and
Ms. Ashanpreet Kaur, Advocate for the petitioners.

Mr. Saurabh Mago, DAG Haryana.

ALKA SARIN, J. (Oral)

1. The present writ petition has been filed seeking issuance of a writ in the nature of *certiorari* for declaring the acquisition proceedings to have lapsed 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 'Act of 2013').

2. Briefly the facts relevant to the present *lis* are that on 14.04.1974 a notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'Act of 1894') was issued. Declaration under Section 6 of the Act of 1894 was issued on 10.02.1976. The award was passed on 21.10.1976. Thereafter, possession was taken vide *rapat roznamcha* No.76 dated 21.10.1976.

3. Initially, the present writ petition was allowed vide order dated 27.11.2017. Aggrieved by the same the respondents herein filed an appeal



CWP-26942-2016 (O&M)

before the Supreme Court. The said Civil Appeal along with the other connected Civil Appeals as also the case titled as **State of Haryana & Ors. vs. Aalamgir & Ors. [(2025) 6 SCC 397]**, being the lead case, was allowed and the matter was remanded back to this Court for reconsidering the issues in view of the Constitution Bench judgment in the case of **Indore Development Authority vs. ManoharLal & Ors. [(2020) 8 SCC 129 = 2020 (4) RCR (Civil) 668]**.

4. As per the written statement dated 16.08.2017 filed on behalf of respondent Nos.1 and 2, in Clause D and E, it has been stated as under :

“(D) Status of payment of compensation:

That as per record, total amount of compensation of awarded land measuring 15.38 acres of village Sihi was Rs.251331/ out of which an amount of Rs.244373/- has been disbursed to the land owners, which is 97.23%. The balance amount of Rs.6,958/- in respect of which the landowners did not come forward to receive the payment, is lying deposited in the Land Acquisition Collector's common account. As far as the petitioners are concerned, it is submitted that the petitioners are recorded as Gair moursi over the land in question and the petitioners have not received the payment amounting to Rs.12306/ including the payment of land, house and trees and plants. The payment of land is amounting to Rs.6958 plus Payment of house amounting to Rs-5048/- plus payment of trees and plants amounting to Rs 300/- (6958+5048+300=12306).



(E) Status of Possession:

That as per record, the award of the acquired land in question was announced on 21.10.1976 vide award no.4 and the possession of the said land was taken and handed over to HUDA on 21.10.1976 vide rapat no.76.”

5. We have heard learned counsel for the parties and have carefully gone through the records.
6. Their Lordships in the case of **Indore Development Authority** (supra) held as under :

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

366.1. Under the provisions of Section 24(1)(a) in case the award is not made as on 1-1-2014, the date of commencement of the 2013 Act, there is no lapse of proceedings. Compensation has to be determined under the provisions of the 2013 Act.

366.2. In case the award has been passed within the window period of five years excluding the period covered by an interim order of the court, then proceedings shall continue as provided under Section 24(1)(b) of the 2013 Act under the 1894 Act as if it has not been repealed.

366.3. The word “or” used in Section 24(2) between possession and compensation has to be read as “nor” or as “and”. The deemed lapse of land acquisition proceedings under Section 24(2) of the 2013 Act takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has



been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse.

366.4. The expression “paid” in the main part of Section 24(2) of the 2013 Act does not include a deposit of compensation in court. The consequence of non-deposit is provided in the proviso to Section 24(2) in case it has not been deposited with respect to majority of landholdings then all beneficiaries (landowners) as on the date of notification for land acquisition under Section 4 of the 1894 Act shall be entitled to compensation in accordance with the provisions of the 2013 Act. In case the obligation under Section 31 of the Land Acquisition Act, 1894 has not been fulfilled, interest under Section 34 of the said Act can be granted. Non-deposit of compensation (in court) does not result in the lapse of land acquisition proceedings. In case of non-deposit with respect to the majority of holdings for five years or more, compensation under the 2013 Act has to be paid to the “landowners” as on the date of notification for land acquisition under Section 4 of the 1894 Act.

366.5. In case a person has been tendered the compensation as provided under Section 31(1) of the 1894 Act, it is not open to him to claim that acquisition has lapsed under Section 24(2) due to non-payment or non-deposit of compensation in court. The obligation to pay is complete by tendering the amount under Section 31(1). The landowners who had refused to accept compensation or who sought reference for higher compensation, cannot claim that the acquisition



proceedings had lapsed under Section 24(2) of the 2013 Act.

366.6. *The proviso to Section 24(2) of the 2013 Act is to be treated as part of Section 24(2), not part of Section 24(1)(b).*

366.7. *The mode of taking possession under the 1894 Act and as contemplated under Section 24(2) is by drawing of inquest report/memorandum. Once award has been passed on taking possession under Section 16 of the 1894 Act, the land vests in State there is no divesting provided under Section 24(2) of the 2013 Act, as once possession has been taken there is no lapse under Section 24(2).*

366.8. *The provisions of Section 24(2) providing for a deemed lapse of proceedings are applicable in case authorities have failed due to their inaction to take possession and pay compensation for five years or more before the 2013 Act came into force, in a proceeding for land acquisition pending with the authority concerned as on 1-1-2014. The period of subsistence of interim orders passed by court has to be excluded in the computation of five years.*

366.9. *Section 24(2) of the 2013 Act 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 2013 Act 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.”

7. The Supreme Court, while remanding the matter for reconsideration, granted liberty to the parties to raise all the contentions which are germane to the adjudication of the writ petition before this Court. Though the prayer of the petitioners in the present writ petition purely revolves around sub-section (2) of Section 24 of the Act of 2013, however, neither any document has been placed on the record as regards any subsequent developments by the learned senior counsel appearing on behalf of the petitioners nor any such contentions have been raised during the course of arguments. On the other hand, respondent Nos.1 and 2 have filed their written statement dated 16.08.2017 stating therein that the possession was taken vide *Rapat Roznamcha* No.76 dated 21.10.1976 and the compensation was lying deposited in the account of Land Acquisition Collector.

8. In view of the law laid down by the Constitution Bench judgment of the Supreme Court in the case of **Indore Development Authority** (supra), since the possession was taken vide *rapat roznamcha* No.76 dated 21.10.1976 and the compensation is lying deposited in the account of Land Acquisition Collector, the acquisition proceedings cannot be held to have lapsed. Moreover, it has been held in the Constitution Bench case that in case possession has been taken but compensation has not been paid then there is no lapse and similarly if compensation has been paid but possession has not been taken even then there is no lapse. Also, in view of the now settled law, it is immaterial whether compensation was lifted by the landowners or not.



CWP-26942-2016 (O&M)

2017:PHHC:117465-DB

9. At this stage, the learned senior counsel appearing on behalf of the petitioners' states that possibly there can be no challenge to the acquisition nor can the proceedings be held to have been lapsed in view of the judgment by the Constitution Bench of the Supreme Court in the case of **Indore Development Authority** (supra). Learned senior counsel appearing on behalf of the petitioners, however, seeks permission to withdraw the present writ petition with liberty to avail his remedies, if any, as available in law.

10. Dismissed as withdrawn with the liberty aforesaid. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

23.04.2026
Yogesh Sharma

(RAMESH CHANDER DIMRI)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO