



2023 INSC 353

REPORTABLE
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 2052 OF 2023

**Haryana State Industrial And Infrastructure
Development Corporation Ltd. (HSIIDC) & Others
...Appellant**

Versus

**M/s Honeywell International (India) Pvt. Ltd.
...Respondent**

WITH

CIVIL APPEAL NO. 2126 OF 2023
CIVIL APPEAL NO. 2108 OF 2023
CIVIL APPEAL NO. 2111 OF 2023
CIVIL APPEAL NO. 2097 OF 2023
CIVIL APPEAL NOS. 2135-2136 OF 2023
(Arising out of SLP(Civil) Nos.6260-6261/2023 @
Diary No. 26393/2017)
CIVIL APPEAL NO. 2142 OF 2023
(Arising out of SLP(Civil) No. 6282/2023 @
Diary No. 29328/2017)
CIVIL APPEAL NO. 2139 OF 2023
(Arising out of SLP(Civil) No.6278/2023 @
Diary No. 29500/2017)
CIVIL APPEAL NO. 2140 OF 2023
(Arising out of SLP(Civil) No.6279/2023 @
Diary No. 29503/2017)
CIVIL APPEAL NO. 2144 OF 2023
(Arising out of SLP(Civil) No.6285/2023 @

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Diary No. 31241/2017)
CIVIL APPEAL NO. 2146 OF 2023
(Arising out of SLP(Civil) No. 6289/2023 @
Diary No. 31266/2017)
CIVIL APPEAL NO. 2145 OF 2023
(Arising out of SLP(Civil) No.6287/2023 @
Diary No. 31272/2017)
CIVIL APPEAL NO. 2152 OF 2023
(Arising out of SLP(Civil) No. 6301/2023 @
Diary No. 21383/2019)
CIVIL APPEAL NO. 2129 OF 2023
CIVIL APPEAL NO. 2128 OF 2023
CIVIL APPEAL NO. 2130 OF 2023
CIVIL APPEAL NO. 2131 OF 2023
CIVIL APPEAL NO. 2153 OF 2023
(Arising out of SLP(Civil) No. 6302/2023 @
Diary No. 29459/2019)
CIVIL APPEAL NO. 2127 OF 2023
CIVIL APPEAL NO. 2155 OF 2023
(Arising out of SLP(Civil) No. 6304/2023 @
Diary No. 30171/2019)
CIVIL APPEAL NO. 2156 OF 2023
(Arising out of SLP(Civil) No. 6305/2023 @
Diary No. 30697/2019)
CIVIL APPEAL NO. 2154 OF 2023
(Arising out of SLP(Civil) No. 6303/2023 @
Diary No. 31327/2019)
CIVIL APPEAL NO. 2151 OF 2023
(Arising out of SLP(Civil) No.6298/2023 @
Diary No. 33156/2019)
CIVIL APPEAL NO. 2133 OF 2023
CIVIL APPEAL NO. 2134 OF 2023
CIVIL APPEAL NO. 2132 OF 2023
CIVIL APPEAL NO. 2062 OF 2023
CIVIL APPEAL NO. 2063 OF 2023
CIVIL APPEAL NO. 2071 OF 2023

CIVIL APPEAL NO. 2084 OF 2023
CIVIL APPEAL NO. 2085 OF 2023
CIVIL APPEAL NO. 2086 OF 2023
CIVIL APPEAL NO. 2090 OF 2023
CIVIL APPEAL NO. 2088 OF 2023
CIVIL APPEAL NOS. 2098-2105 OF 2023
CIVIL APPEAL NO. 2137 OF 2023
(Arising out of SLP(Civil) No. 6265/2023 @
Diary No. 22444/2017)
CIVIL APPEAL NO. 2150 OF 2023
(Arising out of SLP(Civil) No. 6293/2023 @
Diary No. 28982/2017)
CIVIL APPEAL NO. 2138 OF 2023
(Arising out of SLP(Civil) No.6276/2023 @
Diary No. 29502/2017)
CIVIL APPEAL NO. 2143 OF 2023
(Arising out of SLP(Civil) No. 6284/2023 @
Diary No. 30833/2017)
CIVIL APPEAL NO. 2119 OF 2023
CIVIL APPEAL NO. 2148 OF 2023
(Arising out of SLP(Civil) No. 6291/2023 @
Diary No. 31247/2017)
CIVIL APPEAL NO. 2147 OF 2023
(Arising out of SLP(Civil) No.6290/2023 @
Diary No. 31257/2017)
CIVIL APPEAL NO. 2118 OF 2023
CIVIL APPEAL NO. 2141 OF 2023
(Arising out of SLP(Civil) No. 6280/2023 @
Diary No. 33385/2017)
CIVIL APPEAL NO. 2124 OF 2023
CIVIL APPEAL NO. 2122 OF 2023
CIVIL APPEAL NOS. 2114-2117 OF 2023
CIVIL APPEAL NO. 2113 OF 2023
CIVIL APPEAL NO. 2123 OF 2023
CIVIL APPEAL NO. 2121 OF 2023
CIVIL APPEAL NO. 2125 OF 2023

CIVIL APPEAL NO. 2157 OF 2023
(Arising out of SLP(Civil) No. 6306/2023 @
Diary No.10677/2018)
CIVIL APPEAL NO. 2056 OF 2023
CIVIL APPEAL NO. 2059 OF 2023
CIVIL APPEAL NO. 2058 OF 2023
CIVIL APPEAL NO. 2068 OF 2023
CIVIL APPEAL NO. 2073 OF 2023
CIVIL APPEAL NO. 2078 OF 2023
CIVIL APPEAL NO. 2079 OF 2023
CIVIL APPEAL NO. 2065 OF 2023
CIVIL APPEAL NO. 2067 OF 2023
CIVIL APPEAL NO. 2072 OF 2023
CIVIL APPEAL NO. 2077 OF 2023
CIVIL APPEAL NO. 2082 OF 2023
CIVIL APPEAL NO. 2053 OF 2023
CIVIL APPEAL NO. 2055 OF 2023
CIVIL APPEAL NO. 2064 OF 2023
CIVIL APPEAL NO. 2070 OF 2023
CIVIL APPEAL NO. 2057 OF 2023
CIVIL APPEAL NO. 2083 OF 2023
CIVIL APPEAL NO. 2106 OF 2023
CIVIL APPEAL NO. 2094 OF 2023
CIVIL APPEAL NO. 2095 OF 2023
CIVIL APPEAL NO. 2089 OF 2023
CIVIL APPEAL NO. 2092 OF 2023
CIVIL APPEAL NO. 2093 OF 2023
CIVIL APPEAL NO. 2087 OF 2023
CIVIL APPEAL NO. 2091 OF 2023
CIVIL APPEAL NO. 2109 OF 2023
CIVIL APPEAL NO. 2110 OF 2023
CIVIL APPEAL NO. 2112 OF 2023
CIVIL APPEAL NO. 2120 OF 2023
CIVIL APPEAL NO. 2149 OF 2023
(Arising out of SLP(Civil) No.6292/2023 @
Diary No. 31499/2017)

CIVIL APPEAL NO. 2054 OF 2023
CIVIL APPEAL NO. 2060 OF 2023
CIVIL APPEAL NO. 2074 OF 2023
CIVIL APPEAL NO. 2061 OF 2023
CIVIL APPEAL NO. 2080 OF 2023
CIVIL APPEAL NO. 2081 OF 2023
CIVIL APPEAL NO. 2066 OF 2023
CIVIL APPEAL NO. 2075 OF 2023
CIVIL APPEAL NO. 2076 OF 2023
CIVIL APPEAL NO. 2096 OF 2023
CIVIL APPEAL NO. 2069 OF 2023
CIVIL APPEAL NO. 2107 OF 2023

J U D G M E N T

M.R. SHAH, J.

1. Feeling aggrieved and dissatisfied with the impugned common judgments and orders passed in C.W.P. No. 4015/2006 and other allied writ petitions, by which the High Court has declared that the acquisition/acquisition proceedings with respect to the respective lands in question has/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 the 'Act 2013'), the Haryana State Industrial and Infrastructure Development Corporation Limited (for short, 'HSIIDC') and the State of Haryana have preferred the present appeals. In some of the appeals, challenge is to the respective judgment(s) and order(s) passed by the High Court declaring that the acquisition with respect to the lands in question is deemed to have lapsed under Section 24(2) of the Act, 2013.

2. At the outset, it is required to be noted that the present group of appeals can be divided into two categories, namely, (1) before the High Court the respective original writ petitioners like C.W.P. No. 4015/2006 and other allied writ petitions also challenged the acquisition proceedings under the Land Acquisition Act, 1894 (for short, 'Act, 1894') on number of grounds, and (2) the writ petitions which were filed simply for a declaration that the acquisition with respect to the lands in question is deemed to have lapsed under Section 24(2) of the Act, 2013 in which the acquisition under the Act, 1894 was not under challenge.

Civil Appeal Nos. 2052/2023, 2108/2023, 2111/2023, 2097/2023, 2144/2023, 2146/2023, 2145/2023,

2129/2023, 2153/2023, 2062/2023, 2063/2023,
 2071/2023, 2084/2023, 2085/2023, 2086/2023,
 2090/2023, 2088/2023, 2148/2023, 2147/2023,
 2056/2023, 2059/2023, 2058/2023, 2068/2023,
 2073/2023, 2078/2023, 2079/2023, 2065/2023,
 2067/2023, 2072/2023, 2077/2023, 2082/2023,
 2053/2023, 2055/2023, 2064/2023, 2070/2023,
 2057/2023, 2083/2023, 2106/2023, 2094/2023,
 2095/2023, 2089/2023, 2092/2023, 2093/2023,
 2087/2023, 2091/2023, 2109/2023, 2110/2023,
 2054/2023, 2060/2023, 2074/2023, 2061/2023,
 2080/2023, 2081/2023, 2066/2023, 2075/2023,
 2076/2023, 2096/2023, 2069/2023, 2107/2023,
 2126/2023, 2140/2023, 2152/2023, 2130/2023,
 2131/2023, 2133/2023, 2134/2023, 2132/2023, 2098-
 2105/2023, 2150/2023, 2138/2023, 2143/2023,
 2119/2023, 2141/2023, 2122/2023, 2114-2117/2023,
 2113/2023, 2121/2023, 2157/2023, 2120/2023 &
 2149/2023 (total 80 cases)

3. In all these appeals, the issue relates to the first category, namely, where before the High Court, the original writ petitioners challenged the acquisition/acquisition proceedings under the Act, 1894, which, as such, were filed much prior to the Act, 2013 came into force and submitted the amendment applications for the relief of deemed lapse of acquisition under Section 24(2) of the Act, 2013 on the grounds that neither the possession was taken over nor the compensation was paid/tendered. Without deciding the

writ petitions on merits on other grounds, more particularly the grounds on which the acquisition/acquisition proceedings under the Act, 1894 were under challenge, solely relying upon the decision of this Court in the case of ***Pune Municipal Corporation v. Harakchand Misirimal Solanki, reported in (2014) 3 SCC 183***, the High Court has allowed the 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 Act, 2013.

Civil Appeal Nos.2135-2136/2023, 2142/2023, 2139/2023, 2128/2023, 2127/2023, 2155/2023, 2156/2023, 2154/2023, 2151/2023, 2137/2023, 2118/2023, 2124/2023, 2123/2023, 2125/2023 & 2112/2023 (Total 15 cases)

4. All these appeals fall in other category, namely, in which the only relief was sought under Section 24(2) of the Act, 2013 is concerned, 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 Act, 2013, solely relying upon the decision of this Court in the case of ***Pune Municipal Corporation (supra)***.

5. Insofar as the impugned judgment(s) and order(s) passed by the High Court declaring that the acquisition

with respect to the lands in question is deemed to have lapsed under Section 24(2) of the Act, 2013 is concerned, in view of the decision of the Constitution Bench in the case of ***Indore Development Authority v. Manoharlal & Others Etc., reported in (2020) 8 SCC 129***, in the writ petitions which were filed only for such relief and which were filed after the Act, 2013 came into force are concerned, the impugned judgment(s) and order(s) passed by the High Court granting the relief under Section 24(2) of the Act, 2013 is/are unsustainable.

In some of the cases, learned counsel appearing on behalf of the original writ petitioners, whose writ petitions have been dismissed, have submitted that as the possession report was not furnished, they disputed that the actual physical possession in their cases was not taken over. However, in view of the specific stand taken by the acquiring body/beneficiary and the law laid down by this Court in the case of ***Indore Development Authority (supra)***, the submission on behalf of the some of the original writ petitioners that as the possession report was not placed on record and therefore actual possession was not taken over, cannot be accepted.

6. Even the learned counsel appearing on behalf of the respective original writ petitioners of CWP No. 4015/2006

and other allied writ petitions – respondents in the civil appeals arising out of the impugned judgments and orders passed by the High Court in CWP No. 4015/2006, as such, have fairly conceded that in view of the law laid down by this Court in the case of **Indore Development Authority (supra)**, the impugned judgment(s) and order(s) passed by the High Court granting relief under Section 24(2) of the Act, 2013 is/are unsustainable. However, it is prayed that as the High Court has not considered the other grounds challenging the acquisition/acquisition proceedings under the Act, 1894 on merits, though were the subject matter of writ petitions and has disposed of the writ petitions only on the deemed lapse under Section 24(2) of the Act, 2013, the matters are required to be remanded to the High Court to consider the writ petitions on other grounds, i.e., challenge to the acquisition/acquisition proceedings under the Act, 1894 on merits. However, the submission on behalf of the HSIIDC and the State of Haryana that once with respect to the landowners/writ petitioners, the possession of the land in question is already taken over and even the compensation has been paid/deposited, the acquisition/acquisition proceedings under the Act, 1894 is/are not required to be quashed and set aside.

However, the said aspect is required to be considered by the High Court while considering the other issues on merits, more particularly challenge to the acquisition proceedings under the Act, 1894.

7. In view of the above and for the reasons stated above, all the civil appeals as per para 3 of this judgment, arising out of the impugned common judgments and orders passed by the High Court of Punjab and Haryana at Chandigarh in CWP No. 4015/2006 and other allied writ petitions are allowed. The impugned judgment(s) and order(s) passed by the High Court declaring that the acquisition with respect to the lands in question is deemed to have lapsed under Section 24(2) of the Act, 2013 is/are hereby quashed and set aside. However, the matters are remitted back to the High Court to decide and dispose of the main writ petitions afresh in accordance with law and on their own merits on other issues except the applicability of Section 24(2) of the Act, 2013. We request the High Court to finally 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. All contentions and defences which are available to the respective parties are kept open to be considered by the High Court in accordance with law and

on their own merits (except the submission of applicability of Section 24(2) of the Act, 2013).

8. Insofar as civil appeals mentioned at para 4 of this judgment are concerned, all these appeals are allowed. The impugned judgments and orders passed by the High Court declaring that the acquisition with respect to the lands in question are deemed to have lapsed under section 24(2) of the Act, 2013 are hereby quashed and set aside. There shall not be deemed lapse of acquisition in those cases also as observed and held by the High Court.

9. The present appeals stand disposed of in terms of the above.

.....J.
[M.R. SHAH]

NEW DELHI;
APRIL 11, 2023.

.....J.
[C.T. RAVIKUMAR]