

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
WRIT PETITION (CIVIL) NO(s). 237 OF 2013 (FOR PREL.HEARING)

MOOL CHAND Petitioner(s)

VERSUS

STATE OF HARYANA & ORS. Respondent(s)

(With appln(s) for ex-parte stay and office report)

Date: 06/05/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI
HON'BLE MR. JUSTICE SHARAD ARVIND BOBDE

For Petitioner(s) Mr. Nirmal Chopra,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

The petitioner has filed this petition under Article 32 of the Constitution and made the following substantive prayers:

"(a) Issue a writ in the nature of certiorari for quashing the notification No.LAC(F)-2001/NTLA/52 dated 19.10.2001 issued by the Urban Estate Department, Haryana Government under Section 4 of the Land Acquisition Act and the notification No. LAC (F)-2002/NTLA/116 dated 18.10.2002 issued by the Urban Estate Department, Haryana Government under Section 6 of the Land Acquisition Act qua the land of the Petitioner; and

(b) issue a direction in the nature of mandamus to the respondents to release the land of the petitioner situated in Village Fazilpur, Tehsil & District Sonapat."

The petitioner's land was acquired vide Notification dated 19.10.2001 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act'). The declaration under Section 6(1) was issued on 18.10.2002. The award was passed by the Land Acquisition Collector on 14.10.2004 and a sum of Rs.7,02,012/- was paid to the petitioner.

On an application filed by the petitioner under Section 18 of the Act, the Collector made reference to the Competent Court. However, the proceedings pending before the Reference Court were halted in view of the pendency of SLP(C) No.13945/2009 - Fateh Singh and others v. State of Haryana in this Court.

It is borne out from the record that Fateh Singh and others had challenged the acquisition proceedings in Writ Petition No. 1533/2009, which was dismissed by the High Court vide order dated 30.1.2009. The Special Leave Petition filed by them is pending before this Court and an interim order has been passed in their favour.

In our opinion, the petitioner cannot seek intervention of this Court under Article 32 of the Constitution simply because the Special Leave Petitions filed by other landowners are pending. He has not offered any

explanation as to why he did not challenge the acquisition proceedings within reasonable time after the issuance of declaration under Section 6 of the Act or at least after passing of the award. If the petitioner was to file a writ petition in the High Court in 2013, the same would be dismissed on the ground of laches. Therefore, he cannot be allowed to bypass the remedy available under Article 226 and invoke jurisdiction of this Court under Article 32 of the Constitution on the pretext that the Special Leave Petitions filed by other landowners are pending.

The writ petition is, accordingly, dismissed.

However, it is made clear that the petitioner may, if so advised, avail remedy by filing a petition under Article 226 of the Constitution. At the same time, we make it clear that this order shall not be construed as a mandate to the High Court to ignore the delay in filing of the writ petition.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master