

ITEM NO.35

COURT NO.11

SECTION IVB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).16813/2010

(From the judgement and order dated 16/12/2009 in CWP No. 21265/2008 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

ASHOK GUPTA & ANR

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(With prayer for interim relief)

WITH

SLP(C) NO. 16829 of 2010

(With prayer for interim relief and office report)

Date: 08/07/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Ms. Suresh Kumari, Adv.
 Ms. Rekha Singh, Adv.
 Ms.Usha Singh, Adv.
 Dr. (Mrs.) Vipin Gupta, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Having heard learned counsel for the petitioners, we are satisfied that the High Court did not commit any error by refusing to entertain the petitioners' challenge to the acquisition proceedings because it is an undisputed fact that they had purchased the land on 6.11.1990 i.e. after eight months of issue of notification under Section 4(1) and it is settled law that a person who purchases the land after initiation of acquisition proceedings does not have the locus to question the acquisition proceedings. Moreover, as the petitioners did not offer any

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explanation for the long time gap of 17 years between the publication of declaration under Section 6 and filing of the writ petition, the High Court rightly declined their prayer for quashing the acquisition proceedings.

We are also not convinced with the submission of the learned counsel that the High Court should have ignored the delay because possession of the acquired land continues to be with the petitioners. While dealing with this issue, the High Court has taken cognizance of the fact that possession of the acquired land was taken in 1993 and transferred to Haryana Urban Development Authority. The petitioners did not place any material before the Court to show that they have the right to continue in possession even after finalisation of the acquisition proceedings. The petitioners' grievance regarding non-payment of

compensation is misconceived and is liable to be rejected because they are responsible for not taking the compensation awarded by the Land Acquisition Collector.

With the above observations, the special leave petitions are dismissed.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master