

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

CIVIL APPEAL NO. 6124/2022

THE STATE OF HARYANA & ORS.

APPELLANT(S)

VERSUS

KRISHAN KUMAR AND ORS.

RESPONDENT(S)

O R D E R

The Division Bench of the High Court of Punjab and Haryana disposed of the writ petition by judgment and order dated 05.09.2017, after placing reliance on the view expressed by the Full Bench of the High Court in '**Deepak Agarwal and another vs. State of Haryana and others**' (CWP No.4371/2015), in the following terms :

"After hearing learned counsel for the parties and considering the submissions noticed above and the view expressed by Full Bench of this Court in Deepak Aggarwal's case (supra), in our view, the notification under Section 4 of the 1894 Act, dated 20.12.2013, has lapsed qua the petitioners, as no declaration under Section 6 of the 1894 Act had been issued before repeal of the 1894 Act and enactment of the 2013 Act on 1.1.2014. In the present case notification under Section 6 of the 1894 Act has been issued on 26.06.2014.

However, the State shall be at liberty to either initiate fresh proceedings for acquisition of land

or negotiate with the landowners for purchasing/retaining the land in accordance with law, in case the land in question is required for completion of any project or otherwise. The petitioners shall maintain status quo regarding the land in question for a period of six months to enable the State to take decision. All other issues raised in the writ petition are left open as this Court has not expressed any opinion thereon."

It is informed that the judgment in the case of **Deepak Aggarwal** (supra) decided on 31st August, 2017 by the High Court, relied upon by the Division Bench of the High Court in the impugned judgment has been examined by this Court in "**Haryana State Industrial and Infrastructure Development Corporation Ltd. and others Vs. Deepak Aggarwal and others**" (2022 SCC On Line SC 932), wherein after taking into consideration the scheme of Land Acquisition Act, 1894 (hereinafter referred to as the "Act 1894") in relation to what amounts to initiation of acquisition proceedings under the Act, 1894 for the purpose of Section 24(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (hereinafter referred to as the "Act 2023"), this Court finally concluded and held as under:

"40. To conclude, we hold that for the purposes of sub-section (1) of Section 24 of the 2013 Act,

the proceedings under the L.A. Act shall be treated as initiated on publication of a notification under sub-section (1) of Section 4 of the L.A. Act. We further hold that when Clause (a) of sub-section (1) of Section 24 of the 2013 Act is applicable, the proceedings shall continue as per the L.A. Act. However, only for the determination of compensation amount, the provisions of the 2013 Act shall be applied.

41. We have already observed that other issues are also involved in the captioned appeals besides the common questions and issues which we have answered in this judgment. Hence taking note of involvement of other legal and factual issues in these appeals shall be listed before appropriate Bench for disposal on their own merits."

It reveals from the record that apart from the question raised regarding the scope and ambit of Section 24(1) of the Act, 2013 in reference to the trigger point in regard to initiation of the acquisition proceedings under the Act, 1894 other questions raised are left open to be examined by the High Court.

In the light of the judgment of this Court of which reference has been made, at least the question which was decided under the impugned judgment by the High Court dated 05.09.2017 does not hold good and deserves to be set aside.

The appeal succeeds and accordingly allowed. The judgment of the High Court dated 05.09.2017 is hereby

quashed and set aside. All other issues are left open for the parties to raise before the High Court.

Pending application(s), if any, shall stand disposed of.

.....J.
[AJAY RASTOGI]

.....J.
[BELA M. TRIVEDI]

**NEW DELHI;
FEBRUARY 20, 2023.**

ITEM NO.47

COURT NO.5

SECTION IV

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

Civil Appeal No(s). 5947-5948/2022

HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE
DEVELOPMENT CORPORATION LTD. & ORS.

Appellant(s)

VERSUS

DEEPAK AGGARWAL & ORS.

Respondent(s)

([ONLY IA NO. 52820/2020 IN CA NO. 6124/2022 IS LISTED AGAINST THIS
ITEM])

WITH

C.A. No. 6124/2022 (IV)
FOR VACATING STAY ON IA 52820/2020
IA No. 52820/2020 - VACATING STAY)

Date : 20-02-2023 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Appellant(s) Mr. Tushar Mehta, Solicitor General
Mr. B.K.satija, A.A.G.
Mr. Kanu Agarwal, Adv.
Ms. Aastha Mehta, Adv.
Ms. Deepanwita Priyanka, AOR

For Respondent(s) Mr. Kunal Tandon, Adv.
Ms. Niti Jain, Adv.
Mr. Mayank Kshirsagar, AOR
Mr. Shashank Shekhar Singh, Adv.
Ms. Abha Goel, Adv.
Mr. Akhilesh Yadav, Adv.

Mr. Ankit Swarup, AOR

Mr. Sanjay Kumar Visen, AOR
Ms. Ritu Rastogi, Adv.
Ms. Himani Bhatnagar, Adv.
Mr. Amit Gupta, Adv.

Mr. Surender Deswal, Adv.
Mr. Amrendra Kumar Mehta, AOR
Mr. Omkar Kushwaha, Adv.
Mr. Ranpal Awana, Adv.

Mr. Samar Vijay Singh, AOR
Ms. Amrita Verma, Adv.
Ms. Sabarni Sen, Adv.
Mr. Keshav Mittal, Adv.
Mr. Sanjay Kumar Visen, AOR

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

C.A. No. 6124/2022

The civil appeal is allowed in terms of the signed order.

Pending application(s), if any, stands disposed of accordingly.

CA Nos.5947-5948/2022

The appeals may be listed along with other batch of appeals on other legal/factual issues to be examined by the Court, as referred to in the judgment of this Court dated 28.07.2022 titled "Haryana State Industrial and Infrastructure Development Corporation Ltd. & Ors. Versus Deepak Aggarwal & Ors." (2022 SCC On Line SC 932).

List after four weeks.

(NAND KISHORE)
BRANCH OFFICER

(ASHWANI KUMAR)
ASTT. REGISTRAR-cum-PS
(Signed order is placed on the file)