
(2026) 08 P&H CK 5019
In the Punjab And Haryana At Chandigarh
Case No : CWP-1453-2017

Mam Chand & Anr.

APPELLANT

Vs

State Of Haryana & Ors.

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

Constitution of India — Article 226, 227
Land Acquisition Act, 1894 — Section 4, 6, 11-A
Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 — Section 24 (1) (a), 24 (2), 101-A

Citation : (2026) 08 P&H CK 5019

Hon'ble Judges : Vikas Bahl, J; Subhas Mehla, J

Bench : Division Bench

Advocate : Mr. Shashikant Gupta, Advocate, Mr. Saurabh Mago, DAG, Haryana

Judgement

VIKAS BAHL, J. (ORAL)

1. In the present writ petition, the following prayers have been made in the headnote: -

"Civil writ petition under Article 226/227 of the constitution of India, praying for issuance of a writ in the nature of Certiorari quashing the impugned Notification dated 30.10.1992 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, Notification and 1894 dated 28.10.1993 (Annexure P-4) issued under section 6 of the Land Acquisition Act, 1894, and all subsequent proceedings, the illegal, without as ultra-vires, void and jurisdiction, as the under the acquisition proceedings old Act, 1894 stand lapsed in view of the provisions of Section 24 (1) (a) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, w.e.f. 1.1.2014, and further praying that the the of operation Notifications (Annexure P-3 and P-4) impugned and the dispossession of the petitioner may kindly be stayed during the pendency of the present Civil Writ Petition before this Hon'ble Court ;

AND Further issuance of a writ in the nature of Mandamus directing the respondents to release the land of the petitioners of the area of 150 Sq. yards each comprised in Khewat No.906 Khatoni No.1313 Khasra No.1320, on which their father have raised A-Class Construction because no compensation have been paid to the their father or to the

petitioners till date and as per Section 11-A of the Land Acquisition Act as well as settled proposition of law as laid down in 2001(4) RCR Page 360 titled as Dilbag Singh Versus State, if award is not made within the prescribed time of two years, the acquisition proceedings would lapsed;

AND Issuance of a writ in the nature of mandamus directing the respondents not to acquire the house of the petitioner in view of section 24 (2) of the Right to Fair Compensation and Transparency of Land Acquisition, Rehabilitation and Resettlement Act, 2013 and further restrained the respondent from demolishing the houses of the petitioners as the petitioners have no other residential houses and the purpose of acquisition had already been achieved because the acquisition took place in the year 1992 but till date, the respondents have not taken the possession thereof and even other similarly situated persons adjacent to the houses of the petitioners, land their have already been released by the respondents;

AND/Or; Any other order writ, order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the present case."

2. Learned counsel for the respondents-State has submitted that the matter is squarely covered against the petitioners in view of the law laid down by the Constitutional Bench of the Hon'ble Supreme Court in the case of **Indore Development Authority Vs. Manoharlal and others** reported as **(2020) 8 SCC 129**.

3. Learned counsel for the petitioners has submitted that in view of the above, the petitioners be permitted to withdraw the present writ petition to invoke the provisions of Section 101-A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter to be referred as 'Act of 2013'), which aspect would sill survive. It is further submitted that the petitioners would give a representation invoking the said provision of Section 101-A of the Act of 2013 and has prayed that the competent authority be directed to consider the said representation in a time bound manner.

4. Learned counsel for the respondents-State has submitted that in case any such representation is filed by the petitioners, the same would be considered by respondent No.1 within a period of three months.

5. In view of the above, the petitioners are permitted to withdraw the present writ petition. Liberty is granted to the petitioners to file a representation invoking provisions of Section 101-A of the Act of 2013 before respondent No.1. In case any such representation is filed, respondent No.1 is directed to consider the same in accordance with law and finally decide the same within a period of three months from the date of receipt of the said representation by passing a speaking order after affording an opportunity of hearing to the petitioners or their representatives.

6. It is made clear that this Court has not opined on the merits of the pleas raised by the petitioners under Section 101-A of the Act of 2013 and the same would be considered independently in accordance with law.