

HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE
DEVELOPMENT CORPORATION LTD. (HSIIDC) & OTHERS A

v.

M/S HONEYWELL INTERNATIONAL (INDIA) PVT. LTD.

(Civil Appeal No. 2052 of 2023) B

APRIL 11, 2023

[M. R. SHAH AND C. T. RAVIKUMAR, JJ.]

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 – s. 24(2) – In first category of cases, the acquisition proceedings were challenged under the 1894 Act, much prior to the 2013 Act came into force – Amendment applications were filed for the relief of deemed lapse of acquisition u/s.24(2), 2013 Act – However, the High Court without deciding the writ petitions on merits, allowed the same – In the second category of cases, the only relief sought was u/s.24(2), 2013 Act – High Court allowed the said writ petitions and declared that the acquisition w.r.t the lands in question is deemed to have lapsed u/s.24(2), 2013 Act – On appeal, held: In the first category of cases, impugned judgments passed by the High Court declaring that the acquisition w.r.t the lands in question is deemed to have lapsed u/s.24(2) of the 2013 Act are set aside – However, the matters are remitted back to the High Court to decide the main writ petitions afresh in accordance with law and on their own merits on other issues except the applicability of s.24(2) of the 2013 Act – In the second category of cases, impugned judgments passed by the High Court are set aside – There shall not be deemed lapse of acquisition in those cases – Land Acquisition Act, 1894. C D E F

Indore Development Authority vs. Manoharlal and Ors.
(2020) 8 SCC 129 : [2020] 3 SCR 1 – followed.

Pune Municipal Corporation and Anr. Vs. Harakchand Misirimal Solanki and Ors., (2014) 3 SCC 183 : [2014] 1 SCR 783 – referred to. G

Case Law Reference

[2014] 1 SCR 783	referred to	Para 3	
[2020] 3 SCR 1	followed	Para 5	H

A CIVIL APPELLATE JURISDICTION: Civil Appeal No. 2052 of 2023.

From the Judgment and Order dated 07.11.2016 of the High Court of Punjab & Haryana at Chandigarh in CWP No. 4015 of 2006.

With

B Civil Appeal Nos. 2126, 2108, 2111, 2097, 2135-2136, 2142, 2139, 2140, 2144, 2146, 2145, 2152, 2129, 2128, 2130, 2131, 2153, 2127, 2155, 2156, 2154, 2151, 2133, 2134, 2132, 2062, 2063, 2071, 2084, 2085, 2086, 2090, 2088, 2098-2105, 2137, 2150, 2138, 2143, 2119, 2148, 2147, 2118, 2141, 2124, 2122, 2114-2117, 2113, 2123, 2121, 2125, 2157, 2056, 2059, 2058, 2068, 2073, 2078, 2079, 2065, 2067, 2072, 2077, 2082, 2053, 2055, 2064, 2070, 2057, 2083, 2106, 2094, 2095, 2089, 2092, 2093, 2087, 2091, 2109, 2110, 2112, 2120, 2149, 2054, 2060, 2074, 2061, 2080, 2081, 2066, 2075, 2076, 2096, 2069 and 2107 of 2023.

D Alok Sangwan, Sr. A.A.G, B.K. Satija, A.A.G., Dr. Monika Gusain, Gurmeet Singh Makker, Nikhil Goel, Shreekant Neelappa Terdal, Kanu Agrawal, Varun Chugh, Bhuvan Kapoor, Dr. N. Visakamurthy, Vishwa Pal Singh, B. K. Satija, Sumit Sharma, Sanjay Kumar Visen, Mrs. Monika Gusain, Samar Vijay Singh, Sumit Kumar Sharma, Keshav Mittal, Ms. Amrita Verma, Rajat Sangwan, Ms. Sabarni Som, Advs. for the Appellants.

E Jayant K Sud, A.S.G., Gopal Jain, Aashish Chopra, Mahabir Singh, Vivek Sibal, Puneet Bali, Manoj Swarup, Kavin Gulati, Dhruv Mehta, Narender Singh Hooda, R Basant, Sr. Advs., Mithilesh Kumar Singh, Mrs. Manju Singh, Tarun Verma, M/s. Khaitan & Co., Amar Dave, Ajay Bhargava, Mrs. Vanita Bhargava, Mrs. Abhisar Bairagi, Mrs. Trishala Trivedi, Milind Sharma, Ms. Natasha Syal, Avish Bhati, Ms. Pallavi Malhotra, Raj Kamal, Abhimanyu Tewari, Ms. Eliza Bar, Tushar Bathija, Siddhant Saroha, Niketou Rio, Kundan Kumar Lal, A. N. Arora, Ashok Kumar Singh, Shantwanu Singh, Ms. Pragya Singh, Akshay Singh, Sunny Singh, Tripurari Ray, Abhishek Mishra, Rajat Rana, Ms. Anju Kaushik, Ms. Arunima Dwivedi, Ms. Shobha Gupta, Somiran Sharma, G Ms. Rupa Pathania, Ms. Nitika Sharma, Narender Kumar Verma, Jagjit Singh Chhabra, Saksham Maheshwari, Sukant Vikram, Ms. Ankita Patnaik, Ms. Astha Sharma, Srisatya Mohanty, Sanjeev Kaushik, Ms. Mantika Haryani, Shreyas Awasthi, Himanshu Chakravarty, Ms. Ripul Swati Kumari, Bhanu Mishra, Devvrat Singh, Ms. Muskan Surana, Ms. H Manisha Ambwani, Aditya Singh, Shubham Singh, Rajiv Dalal, Pankaj

Yadav, Vaseem, Arun Rathi, Kamal Kishor, Aishwarya Wani, Ms. Aishwarya Wani, Ms. Anne Mathew, Tushar Bakshi, Pawanshree Agrawal, Dr. M.S. Verma, Mahendra Kumar, Rajnish Kumar Jha, Vijay Pal, Gagandeep Sharma, Sunklan Porwal, Veerendra Kumar, Dinesh Bhati, Ms. Preeti Singh, Jasbir Singh Mmalik, Ms. Usha Nandini V., Ms. Anzu. K. Varkey, Rajeev Singh, Aseem Mehrotra, Arun K. Sinha, Rakesh Singh, S. D. Singh, Ms. Bharti Tyagi, Ms. Shweta Sinha, Ms. Shweta Singh, Ms. Meenu Singh, Siddharth Singh, Kartikay Bhargava, Ranbir Singh Yadav, Puran Mal Saini, Patiraj Yadav, Ritesh Patil, Prateek Yadav, Yogesh Yadav, Abhishek Sharma, Ms. Niharika Dudeja, Jose Abraham, Rahul Goel, Ms. Anu Monga, Ms. Parul Parmar, Ms. Kriti, Rameshwar Prasad Goyal, Nand Lal Sammi, Nishant Sharma, Aditya Soni, Ms. Adviteeya, Rakesh K. Sharma, Ankit Swarup, Neelmani Pant, Mukul Kumar, Ms. Vidhi Goel, Sanjeev Ailawadi, Krishna Dev Yadav, Ms. B. Vijayalakshmi Menon, Rajiv Ranjan Dwivedi, Sachin Jain, Ajay Kumar Aggarwal, Ved Parkash, Manoj Kumar Jha, Ashish Singh, Vishal, Kapil Chaturvedi, Atul Sharma, Abhishek Agarwal, Dhawesh Pahuja, Vaibhav Dwivedi for M/s. AP & J Chambers, Ravindra Bana, Siddharth Mittal, Kshitiz Chauhan, Vaibhav Tomar, Ms. Shilpa G Mittal, Ms. Pushplata Chaudhary, Sanchar Anand, Devendra Singh, Aman Kumar Thakur, Karan Thakur, Vijay Kumar Singh, Ajay Nain, Sameer Singh, Ashish Sheoran, Anmol Harna, M.L. Sharma, Rajat Sharma, Ms. Meenakshi Sharma, Sushil K. Sharma, Surender Kumar Jain, Subhasish Bhowmick, Ankit Swarup, Ms. Kriti Dang, Vasudev Singh, Somvir Singh Deswal, Ms. Amrit Kumari, S.S. Ahlawat, Kuldeep Singh Bhakar, Satbir Pillonia, Diwan Singh Chauhan, Nischal Kumar Neeraj, Karan Kapoor, Manik Kapoor, Shubham Bhalla, Aabhas Kshetarpal, Sanjiv Ghai, Siddhartha Jha, Ms. Priyambika Mk Jha, Mohit Kumar Gupta, Ms. Mohira, Gagan Gupta, Rajan Kumar Chourasia, Gautam Bhardawaj, Arvind Kumar Sharma, Sandeep Chhabra, Jinendra Jain, Ms. Vanshaja Shukla, Parmanand Yadav, Abhishek Chatterjee, Karan S. Thukral, Bilal Sheikh for M/s. Corporate Law Group, Senthil Jagadeesan, Sajal Jain, Ms. Sonakshi Malhan, Yash Pal Dhingra, Sudarshan Rajan, Sonal Joshi, Mahesh Kumar, Sarvam Ritam Khare, Shreeyash Uday Lalit, Abhinav Aggarwal, Krishnagopal Abhay, Ms. Runjhun Garg, Ishaan George, Mukesh K. Verma, Davinder K. Lubana, Sumit Anchal for Yadav Narendra Singh, Bijender S. Chaudhry, Hitesh Kumar Sharma, Akhileshwar Jha, S.K. Rajora, Ms. Vijay Lakshmi, Ms. Kajal Kumari, Amit Kumar Chawla, Dr. Vipin Gupta, Advs. for the Respondent.

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A The Judgment of the Court was delivered by

M. R. SHAH, J.

B 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, C ‘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.

D 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, F 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, G 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,

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2143/2023, 2119/2023, 2141/2023, 2122/2023, 2114-2117/2023, 2113/2023, A
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. B
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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)***. E
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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. G
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A 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.

C 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.

G 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

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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.

Divya Pandey
(Assisted by : Abhishek Agnihotri and Roopanshi Virang, LCRAs)

Appeals disposed of.