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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CWP No.18115 of 2026
Date of decision: July 28th, 2026

Nirmala and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL
HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present:- Mr. Akshay Bhan, Senior Advocate
with Mr. Gurinder Singh and Mr. Manjeet Singh, Advocates
for the petitioners.

Mr. Saurabh Mago, Deputy Advocate General, Haryana.

Mr. Deepak Bhardwaj, Advocate
for respondents No.2 to 5.

VIKAS BAHL, J. (ORAL)

1. Present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of certiorari for quashing the notification dated 17.04.2002 (Annexure P-2) issued under Section 4 and also the notification dated 10.04.2003 (Annexure P-3) issued under Section 6 of the Land Acquisition Act, 1894 and the award dated 25.06.2004 (Annexure P-4). A further prayer has been made for issuance of a writ in the nature of certiorari for quashing the notice dated 10.03.2026 (Annexure P-24) vide which the petitioners have been asked to vacate the land in question.

2. It is the case of the petitioners that they are owners of land measuring 1 *bigha* comprised in Khewat No.749/686, Khatauni No.1363,



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Khasra No.524/2 situated within the revenue estate of village Bahadurgarh by virtue of the registered sale deed No.3654 dated 11.03.1993, although the mutation regarding the same was not entered in the revenue record. It is further averred by the petitioners in the writ petition that a notification dated 17.04.2002 under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act of 1894') to acquire land for a public purpose namely for residential, commercial and institutional for Sector 1 (Part), 10-11 (Part) 12 and 13, Bahadurgarh was issued by the respondents-authorities, which included the abovesaid land of the petitioners. It is the case of the petitioners that they did not file any objection under Section 5A of the Act. It would be relevant to note that the petitioners had earlier filed CWP-10829-2024, a copy of which has been annexed as Annexure P-22, in which the averment had been made by the petitioners that they had filed objections under Section 5A of the Act. The aspect of the averments made in the earlier writ petition being contrary to the averments made in the present writ petition would be detailed hereinafter. In the present petition, it is the case of the petitioners that no objections were filed under Section 5A of the Act. The notification under Section 6 of the Act was issued on 10.04.2003 and the copy of the same has been annexed as Annexure P-3 and it is the case of the petitioners that the land owned by the petitioners was included in the said notification and thereafter, an award dated 25.06.2004 was passed, a copy of which has been annexed as Annexure P-4.

3. It is further the case of the petitioners that a supplementary registered sale deed dated 14.02.2007 (Annexure P-5) was executed as the vendor of the sale deed dated 11.03.1993 did not have complete 1 *bigha* of



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land in Khasra No.524/2 at the time of the execution of the sale deed dated 11.03.1993, on account of which no mutation was sanctioned in favour of the petitioners. It is thus stated that the petitioners, by virtue of the said supplementary sale deed, became the owners of Khasra Nos.524/2 (0-10), 525/1 (1-11) and 526 (3-18) instead of being owners of 1 *bigha in* Khasra No.524/2. It is also the case of the petitioners that the petitioners had earlier filed CWP-10829-2024 with respect to the land in question and a copy of the entire writ petition has been annexed as Annexure P-22. Admittedly, the said writ petition was withdrawn by the petitioners after arguing for some time. The order dated 10.05.2024 passed by the coordinate Division Bench in the said writ petition i.e. CWP-10829-2024 is reproduced hereinbelow:

“1. After arguing for some time, the learned counsel for the petitioners prays for withdrawal of the instant petition.

***2. Dismissed as withdrawn.
May 10, 2024”***

A perusal of the above order would show that no liberty was either sought or granted by the coordinate Division Bench of this Court to file a fresh petition. A perusal of CWP-10829-2024 which has been annexed as Annexure P-22, would show that the averments made in the said petition are contrary to the averments made in the present petition, more so, with respect to filing of the objections under Section 5A of the Act. It would be relevant to note that the earlier writ petition was filed in the year 2024 i.e. after a period of 20 years from passing of the award and the present writ petition has been filed in the year 2026 after a period of 22 years of the



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passing of the award and further after a period of two years from the date of passing of the abovesaid order dated 10.05.2024.

4. The present writ petition, apart from other aspects, deserves to be dismissed on the ground of the petitioner being precluded from instituting the present writ petition in view of the provisions of Order XXIII Rule (1) (4) CPC and also in view of the provisions of Order II Rule 2 CPC as well as the principle of constructive *res judicata*. Additionally, the petition also deserves to be dismissed on the ground of delay and laches and acquiescence.

5. Learned senior counsel for the petitioners has submitted that in the earlier writ petition which was filed in the year 2024, although a direction was sought to release the land in question but no challenge was made to the notification dated 17.04.2002 issued under Section 4 as well as notification dated 10.04.2003 of the Act or the award dated 25.06.2004 and thus, the present petition would not be barred by the abovesaid provisions/principles. The said argument is meritless and deserves to be dismissed. A perusal of the writ petition dated 06.05.2024 (Annexure P-22) which was earlier filed by the petitioners would show that the said petition had been filed for release of the land in question, which aspect has not been disputed before this Court. Reference was made to the notifications under Section 4 and 6 of the Act and also to the judgment passed in the case of ***Reshma Footwears (P) Ltd. Vs. State of Haryana and others CWP No.2308 of 2004*** as well as other judgments which have been relied upon in the present petition also. In the said writ petition, in the headnote itself, it had been stated that the land had been duly acquired under the provisions of the



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Act of 1894 and now in the present writ petition, the acquisition is sought to be challenged on the ground of the same being illegal. The headnote of the earlier writ petition is reproduced hereinbelow:

*“Civil Writ Petition under Article 226/227 of the Constitution of India with a prayer seeking issuance of a writ in the nature of Mandamus for directing the respondents to release the land **duly acquired under the provisions of Land Acquisition Act, 1894** and to further sanction the mutation of the land in favour of the petitioners as the litigation regarding the acquisition of the land has attained finality;*

AND/OR

For issuance of any other order or direction be issued, which this Hon'ble Court may deem fit may also be granted to the petitioner in the facts and circumstances of this case.”

6. It is not disputed before us that the notifications as well as the award were passed prior to the institution of the said writ petition which was filed in the year 2024. The petitioners, if so aggrieved, could have very well challenged the said notifications and the award in the said writ petition. The same having not been done, the petitioners are barred under the provisions of Order II Rule 2 CPC as well as the principle of constructive *res judicata*.

7. The provisions of Order II Rule 2 CPC specifically provide that every suit shall include the whole of the claim which the litigant is entitled to make in respect of the cause of action within the jurisdiction of the Court and further specifically provides that omissions to claim any relief would then bar the said litigant from filing fresh proceedings to claim the said relief. The coordinate Division Bench of this Court in the case of ***Mithan Lal Gupta Vs. State of Haryana and others*** reported as ***2021 SCC Online P&H***



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4546 by relying upon Rule 32 of the Writ Jurisdiction (Punjab and Haryana) Rules, 1976 has held that said principle would also apply to writ proceedings. The relevant portion of said judgment is reproduced hereinbelow:

“11. Thirdly, any cause of action available to the appellant prior to institution of CWP-21603-2016 but not urged in the said writ petition, was also barred by the principle enshrined in Order 2 Rule 2, Code of Civil Procedure, 1908, as applicable mutatis mutandis to writ proceedings vide Rule 32, Writ Jurisdiction (Punjab & Haryana) Rules, 1976. Said Rule reads as under:

“32. In all matters for which no provision is made by these rules, the provisions of the Code of Civil Procedure 1908, shall apply mutatis mutandis, in so far as they are not inconsistent with these rules.”

8. The SLP No.12574-12757 of 2020 filed against the said judgment has been dismissed by the Hon’ble Supreme Court vide order dated 08.08.2022. The abovesaid provision as well as the law laid down in the abovesaid judgment would apply on all fours in the present case.

9. Further the Hon’ble Supreme Court in the case of ***Direct Recruit Class II Engineering Officers' Association Vs. State of Maharashtra and others*** reported as ***(1990) 2 Supreme Court Cases 715*** by relying upon the judgment of the Hon’ble Supreme Court in the case of ***Forward Construction Company and others Versus Prabhat Mandal (Regd.) Andheri and others*** reported as ***1986 (1) SCC 100*** had observed that an adjudication is conclusive and final not only as to the actual matter determined but also as to every other matter which the parties might and ought to have litigated and every matter coming into the legitimate purview of the original action. It was further observed that the principle of constructive *res judicata* is also



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applicable to writ petitions. Thus, the said argument deserves to be rejected on the abovesaid principle.

10. Additionally, it would be relevant to note that, as has been stated hereinabove, the said writ petition was withdrawn vide order dated 10.05.2024 and no liberty was sought to file a fresh petition and thus, the petitioners have abandoned their right/claim. Order XXIII Rule 1 CPC provides that it is open to the plaintiff either against all or any of the defendants, to abandon his suit. Order XXIII Rule 1 (4) CPC further provides that where the plaintiff has abandoned any suit or withdraws from a suit without seeking permission to file fresh suit, then he shall be precluded from instituting any fresh suit in respect of the same subject matter and is also liable to pay cost. The Full Bench of this Court in the case of ***Teja Singh Versus Union Territory of Chandigarh and others*** reported as ***1982 AIR P&H 169*** has held that the provisions of Order XXIII Rule 1 CPC would apply to writ proceedings also and in case a petition is simply withdrawn, the same would be a bar to the filing of the second petition. It was further observed that the explanation added to Section 141 CPC by the amending Act of CPC does not in any way nullifies the effect of Rule 32 of the Writ Jurisdiction (Punjab and Haryana) Rules, 1976, which has been reproduced hereinabove.

11. It would also be relevant to note that the averments made in the present writ petition are contrary to the averments made in the earlier writ petition filed by the petitioners i.e. in 06.05.2024, more so, with respect to the petitioners having filed objections under Section 5A of the Act or not. In the present writ petition, it has been stated that no objections were filed



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under Section 5A of the Act, whereas in paragraph 4 of the earlier writ petition, it has been stated that the petitioners had filed the said objections but the Government authorities chose not to release the land in question.

Paragraph 4 of the earlier writ petition is reproduced hereinbelow:

“4. That the petitioner filed the objection u/s 5 of the Act and request for the release of the land but the government authorities without considering the objections filed by the petitioner issued the notification u/s 6 of the Act for acquiring the land of the petitioner. A copy of the notification dated 10.04.2003 is annexed herewith as ANNEXURE P-2.”

12. The present writ petition also deserves to be dismissed on the ground of delay and laches and acquiescence. The award in the present case was admittedly passed on 25.06.2004. The first writ petition, as per the case of the petitioners in the present writ petition, was filed in the year 2024, which was withdrawn without seeking any liberty. The said writ petition was filed after 20 years of the passing of the said award. The present writ petition has been filed in the year 2026 after a period of 22 years of the passing of the said award.

13. The coordinate Division Bench of this Court in the case of ***Rajesh Malik Vs. State of Haryana and others*** passed in ***CWP-19246-2017 and other connected matters, decided on 30.07.2021*** was examining the challenge made in the year 2017 to the same notifications as are the subject matter of the present petition. In the said case, reliance was placed by the petitioners therein upon various judgments, including the judgment passed in the case of ***Reshma Footwears (P) Ltd. (supra)*** as well as the case of ***Lehri Singh and others Vs. Union of India and others CWP-11412-2004*** as is



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sought to be relied upon by the learned senior counsel for the petitioners in the present case also. The coordinate Division Bench of this Court after considering all the issues had observed that the writ petitions in the case of ***Reshma Footwears (P) Ltd. (supra)*** as well as ***Lehri Singh and others (supra)*** were filed in the year 2004, whereas the petitioners therein had approached the Court in the year 2017 and thus, the delay in filing of writ petitions by the petitioners therein was taken into consideration along with other factors to dismiss the said writ petition. In the said case, the Co-ordinate Division Bench had taken note of the grievance of the petitioners therein to the effect that they had not received the compensation awarded to them and that they were in possession of the land, but however did not grant any relief to the said petitioners therein. Reference was made to various judgments of the Hon'ble Supreme Court while dismissing the said writ petition. It has not been disputed before us that the said judgment has attained finality and thus, the landowners who had filed writ petitions in the year 2017 challenging the impugned notifications by relying upon the same judgments which the petitioners also wish to rely upon, did not meet any success.

14. Further the coordinate Division Bench of this Court in the case of ***Desraj and others Vs. State of Haryana and others*** reported as ***2022(4) RCR (Civil) 298*** had observed that in the cases in which challenge is made to the notifications vide which land is sought to be acquired, the concept of negating the challenge on account of the doctrine of delay and laches is well recognized. It was observed that even in case there were procedural irregularities or the status of the land at the time of initiation of the



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acquisition proceedings had not been taken into consideration in a proper manner, at the time of rejecting the objections filed under Section 5A of the 1894 Act, the landowner was not entitled to raise such pleas after much delay, as such pleas have to be raised at the first instance and immediately when the cause of action arises to the landowner. It was further observed that in case the landowner chooses to remain silent and allows the State to proceed, then, apart from the fact that the case is to be rejected on the ground of delay and laches, even the doctrine of acquiescence would come into play, which is sufficient to take away that right and any such plea is required to be rejected at the threshold. It was also observed that such silence would be conclusive evidence of the waiver of interest on the part of the litigant and that the doctrine of acquiescence acts as an estoppel which bars the litigant from complaining about the violation of his right. It was further observed that dead and stale claims cannot be revived at a belated stage.

15. The coordinate Division Bench in the abovesaid judgment had made the said observations after taking into consideration the well known facet of law that whensoever there was conflict between public interest and private interest, the private interest has to make way for the public interest. The challenge thus made by the petitioners therein to the acquisition proceedings was rejected by taking into consideration the delay in challenging the same.

16. The Division Bench in the abovesaid case also took into consideration the judgment of 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* in which it had been observed that



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the dead and stale claims cannot be revived. Thus in view of the abovesaid law, the present writ petition deserves to be dismissed.

17. Learned senior counsel for the petitioners has relied upon the judgment passed in the case of *Reshma Footwears (P) Ltd. Vs. State of Haryana and others 2013 (3) RCR (Civil) 359*, judgment dated 29.04.2011 passed in the case of *Prahlad Singh and others Vs. Union of India and others 2011(5) SCC 386* as well as the case of *Lehri Singh and others Vs. Union of India and others* passed in *CWP-11412-2004* decided on 25.08.2011 along with other connected petitions. Apart from the abovesaid aspects, which have been detailed hereinabove, it would also be relevant to note that the abovesaid judgments do not, in any way, further the case of the petitioners. It is not in dispute that the case of *Reshma Footwears (P) Ltd. (supra)*, *Prahlad Singh and others (supra)* as well as *Lehri Singh and others (supra)* were instituted by filing writ petitions in the year 2004, whereas the present petitioners had filed the first petition in the year 2024 after a delay of 20 years. It is not in dispute that, in none of the said cases, the petitioners had earlier withdrawn the writ petitions. Thus, the said cases were neither barred under the provisions of Order XXIII Rule 1 CPC, Order II Rule 2 CPC or constructive *res judicata* nor did they suffer from delay and laches.

18. The Hon'ble Supreme Court in the Constitution Bench judgment in the case of *Indore Development Authority (supra)* has crystallized the entire law with respect to possession, payment of compensation, vesting and non-revival of stale and time barred claims. In the said judgment, the Hon'ble Supreme Court had observed that word 'or' used in Section 24(2) between possession and compensation has to be read as 'nor'



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or as 'and' and the deemed lapse of land acquisition proceedings under the said provision could only be in a situation where the possession of land has not been taken nor compensation has been paid and in other words, in case the possession has been taken but the compensation has not been paid there would be no lapse and similarly if compensation has been paid and possession has not been taken then also there would be no lapse. It was further observed that in case the obligation under Section 31 of the 1894 Act had not been fulfilled, then, interest under Section 34 of the said Act is to be granted and non-deposit of compensation in court does not result in the lapse of land acquisition proceedings and in case of non-deposit with respect to the majority of holdings for five years or more, then, compensation under the Act of 2013 is required to be paid to the "landowners". It was further observed that the landowners who had refused to accept compensation or sought reference for higher compensation, then, they cannot claim that the acquisition proceedings had lapsed under Section 24(2) of the Act. The Hon'ble Supreme Court had further specifically observed that the provision of Section 24(2) of the Act of 2013 does not give rise to a new cause of action to question the legality of concluded proceedings and applies only to a proceeding pending on the date of enforcement of the Act of 2013, i.e., 1.1.2014 and does not revive stale and time-barred claims and does not allow the landowners to question the legality of mode of taking possession to reopen proceedings. With respect to mode of taking possession under the 1894 Act, it was observed that drawing of *panchnama* i.e. inquest report/*rapat roznamcha* was valid proof of taking possession in land acquisition cases and subsequent to the same, the land would vest in the



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State and any re-entry or retaining the possession thereafter was unlawful and the person who continued in possession would be a trespasser. Para 363 of the said judgment is reproduced as under: -

“363. In view of the aforesaid discussion, we answer the questions as under:

- 1. Under the provisions of Section 24(1)(a) in case the award is not made as on 1.1.2014 the date of commencement of Act of 2013, there is no lapse of proceedings. Compensation has to be determined under the provisions of Act of 2013.*
- 2. In case the award has been passed within the window period of five years excluding the period covered by an interim order of the court, then proceedings shall continue as provided under Section 24(1)(b) of the Act of 2013 under the Act of 1894 as if it has not been repealed.*
- 3. The word ‘or’ used in Section 24(2) between possession and compensation has to be read as ‘nor’ or as ‘and’. The deemed lapse of land acquisition proceedings under Section 24(2) of the Act of 2013 takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse.*
- 4. The expression 'paid' in the main part of Section 24(2) of the Act of 2013 does not include a deposit of compensation in court. The consequence of non-deposit is provided in proviso to Section 24(2) in case it has not been deposited with respect to majority of land holdings then all beneficiaries (landowners) as on the date of notification for land acquisition under Section 4 of the Act of 1894 shall be entitled to compensation in accordance with the provisions of the Act of 2013. In case the obligation under Section 31 of the Land Acquisition Act of 1894 has not been fulfilled, interest under Section 34 of the said Act can be granted. Non-deposit of compensation (in court) does not result in the lapse of land acquisition proceedings. In case of non-deposit with*



respect to the majority of holdings for five years or more, compensation under the Act of 2013 has to be paid to the "landowners" as on the date of notification for land acquisition under Section 4 of the Act of 1894.

5. *In case a person has been tendered the compensation as provided under Section 31(1) of the Act of 1894, it is not open to him to claim that acquisition has lapsed under Section 24(2) due to non-payment or non-deposit of compensation in court. The obligation to pay is complete by tendering the amount under Section 31(1). Land owners who had refused to accept compensation or who sought reference for higher compensation, cannot claim that the acquisition proceedings had lapsed under Section 24(2) of the Act of 2013.*

6. *The proviso to Section 24(2) of the Act of 2013 is to be treated as part of Section 24(2) not part of Section 24(1)(b).*

7. *The mode of taking possession under the Act of 1894 and as contemplated under Section 24(2) is by drawing of inquest report/memorandum. Once award has been passed on taking possession under Section 16 of the Act of 1894, the land vests in State there is no divesting provided under Section 24(2) of the Act of 2013, as once possession has been taken there is no lapse under Section 24(2).*

8. *The provisions of Section 24(2) providing for a deemed lapse of proceedings are applicable in case authorities have failed due to their inaction to take possession and pay compensation for five years or more before the Act of 2013 came into force, in a proceeding for land acquisition pending with concerned authority as on 1.1.2014. The period of subsistence of interim orders passed by court has to be excluded in the computation of five years.*

9. *Section 24(2) of the Act of 2013 does not give rise to new cause of action to question the legality of concluded proceedings of land acquisition. Section 24 applies to a proceeding pending on the date of enforcement of the Act of 2013, i.e., 1.1.2014. It does not revive stale and time-barred claims and does not reopen concluded proceedings nor allow landowners to question the legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in the treasury instead of court to invalidate acquisition.*



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Let the matters be placed before appropriate Bench for consideration on merits.”

19. It was also observed that when the State Government acquires land and draws up a memorandum of taking possession, that amounts to taking physical possession of the land and that on the property which is acquired, the Government is not supposed to put some other person or the police force in possession to retain it and start cultivating it till the land is used by it for the purpose for which it has been acquired nor the Government is supposed to start residing or to physically occupy it once possession has been taken by drawing the inquest proceedings/*rapat roznamcha*.

20. With respect to interpretation of the word 'paid' used in Section 24(2) and 'deposited' used in the proviso to Section 24(2) detailed observations were made and it was observed that the deposit in treasury in place of deposit in court causes no prejudice to the landowner or any other stakeholder as their interest is adequately safeguarded by the provisions contained in Section 34 of the 1894 Act, which ensures higher rate of interest than any other Government securities and the said money is safe and can be made available for disbursement to the landowners. In para 228, the Hon'ble Supreme Court had even taken into consideration the standing Order No.28 which was issued in 1909 by the State of Punjab, which provided five modes of payment and it was further observed that the said rules and the standing orders are binding on the concerned Authorities. Paras 228 and 230 of the said judgment is reproduced herein below: -

“228. Standing Order No.28 was issued in 1909 by the State of Punjab and was applicable to Delhi also, which provided five modes of payment in para 74 and 75 thus:



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“74. Methods of making payments.—There are five methods of making payments:

- (1) By direct payments, see Para 75(I) infra*
- (2) By order on treasury, see Para 75(II) infra*
- (3) By money order, see Para 75(III) infra*
- (4) By cheque, see Para 75(IV) infra*
- (5) By deposit in a treasury, see Para 75(V) infra*

xxx xxx xxx xxx

230. Deposit in treasury in place of deposit in court causes no prejudice to the landowner or any other stakeholder as their interest is adequately safeguarded by the provisions contained in Section 34 of the Act of 1894, as it ensures higher rate of interest than any other Government securities. Their money is safe and credited in the earmarked quantified amount and can be made available for disbursement to him/them. There is no prejudice caused and every infraction of law would not vitiate the act.”

21. It would be relevant to note that this Court vide judgment dated 23.07.2026 passed in *CWP-13333-2016* titled as *Gopal Singh Rath and others Versus State of Haryana and others* while considering the challenge to the same notifications and the award as in the present case had taken note of the fact that the total amount of award with respect to the entire land was ₹72,57,04,098/-, which had been duly tendered at the time of the announcement of the award and out of the said amount, as on 18.08.2025, ₹53,59,11,899/- has also been disbursed to the landowners and rest of the amount of compensation i.e. ₹18,97,92,199/- stands deposited and is available for disbursement to the landowners. Further the stand of the State to the effect that the possession of the land in question was taken vide *Rapat*



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No.1318 dated 25.06.2004, was also taken note of. Learned State counsel has reiterated and reaffirmed the said fact. Thus in view of the abovesaid judgment also, the dead claim of the petitioners does not deserve to be revived.

22. Keeping in view the abovesaid facts and circumstances, the present writ petition is meritless, deserves to be dismissed and is accordingly dismissed.

(VIKAS BAHL)
JUDGE

July 28th, 2026
Puneet

(SUBHAS MEHLA)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes