HIGH COURT OF PUNJAB AND HARYANA

BENCH : HON'BLE MR. JUSTICE SURESHWAR THAKUR, HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Date of Decision: 30th April 2024

CWP No. 24513 of 2014 (O&M)

The Tribune Employees and Friends Co-operative Group Housing Society Ltd. ……Petitioner

Versus

State of Haryana and others ……Respondents

Legislation:

Land Acquisition Act, 1894 – Sections 4, 6, and 11-A

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 – Section 24(2)

Subject: Petition challenging the non-release of acquired land and quashing of notifications under Sections 4 and 6 of the Land Acquisition Act, 1894, along with an order from the High Powered Committee denying release from acquisition.

Headnotes:

Land Acquisition – Discrimination in land release – Petition against the High Powered Committee's order and acquisition notifications – High Court dismisses petition finding no merit and no discrimination in the treatment of the petitioner compared to other similarly situated entities – Noted that development activities in the periphery of Chandigarh are restricted to the government or its agencies per policy – Petitioner's request for release of land not considered compelling enough to warrant deviation from existing policies – Acquisition aimed at planned development overriding private development plans of the petitioner [Paras 1-48].

Application of Land Acquisition Act, 1894 – The acquisition notifications under Sections 4 and 6 held valid – Discussion on the legitimacy of the acquisition process and the petitioner's failed attempts to obtain licenses for development – Judicial findings emphasize the state's priority in public development over private expectations [Paras 2-48].

Rights and Expectations – Legitimate expectation and discrimination claims rejected – The court holds that the petitioner's expectations for a license or release of land do not override the clear public interest and policy considerations that favor state-controlled development [Paras 11-17].

Judicial Review – The court upholds the policy decisions that restrict development in the periphery of Chandigarh to government agencies – Legitimate expectation not found reasonable when weighed against public interest and policy restrictions [Paras 13-27].

Referred Cases:

- Indore Development Authority Vs. Manohar Lal and others, AIR 2020 SC 1496
- State of Gujarat Vs. Essar Oil Ltd., 2012 (3) SCC 522
- Faizabad-Ayodhya Development Authority, Faizabad V/s Dr. Rajesh Kumar Pandey & Ors., Civil Appeal No.2915 of 2022

Representing Advocates:

Mr. Chetan Mittal, Senior Advocate with Mr. R.S. Randhawa, Advocate for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana with Mr. Saurabh Mago, Deputy Advocate General, Haryana for the respondents.

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SURESHWAR THAKUR , J.

1. Through the instant petition, the petitioner seeks the quashing of the impugned order dated 21.10.2014 (Annexure P-1), wherebys the High Powered Committee, as became constituted, through the orders of this Court rendered in *CWP No. 12848 of 2000* titled as *Jasbir Singh Siali versus State*

of Haryana and others, thus rejected the present petitioner's claim for the subject lands becoming released from acquisition.

2. The further relief as asked for in the instant writ petition, is for the quashing of the notification issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act of 1894), and, also for the quashing of the notification issued under Section 6 of the Act of 1894.

3. In short, the grounds, as raised in the instant writ petition for throwing a challenge to the impugned Annexure P-1 become rested on (a) the respondent concerned, discriminating against the present petitioner in its refraining from releasing the subject lands from acquisition, despite the lands of other similarly situated land owners concerned, becoming released from acquisition. (b) The High Powered Committee has not followed the relevant policy wherebys given the petitioner being the owner of the subject land prior to the issuance of notification under Section 4 of the Act of 1894, therebys the subject lands were required to be considered to be released from acquisition. (c) The objections raised by the petitioner under Section 5-A of the Act of 1894 rather not being lawfully considered, nor any lawful/valid speaking order, thus for rejecting the said objection, becoming rendered by the competent authority concerned. (d) Since the exercisings of power of eminent domain by the acquiring authority concerned, is for creating a housing colony over the subject lands, thus at the instance of the beneficiary department of the State, but when the petitioner society requires the subject lands for raising thereons dwelling units rather for housing thereins the members of the petitioner society, therebys the non release of the subject lands rather from acquisition, thus ousts the tenable legitimate expectation of the petitioner from raising a housing colony over the subject lands.

4. It has been candidly set-forth in the reply on affidavit, that the petitioner society applied for the grant of licence on 23.3.1995, and, the said request was declined by the Town and Country Planning Department. The declinings of accordings of licence to the petitioner society, is stated in reply on affidavit, to premised on the ground, that the proposed site falling in the Mansa Devi Urban Complex, whereins, in terms of the development plan of Chandigarh Periphery, all the developmental activities become enjoined to become undertaken by the State Government or through its agencies. Furthermore, it has also been stated in reply on affidavit, that the said rejection order has acquired conclusivity, thus for the reason that it remained unchallenged, besides the petitioner applying for the grant of licence on 11.1.2001, but since the said application was made after the issuance of

declaration under Section 6 of the Act of 1894. Resultantly it is stated in reply on affidavit, that the said application was not required to be considered, nor the said application for the according of the espoused licence to the petitioner society, rather for undertaking the developmental activities on the subject lands, but could be considered on the date of issuance of a notification under Section 4 of the Act of 1894, as at the said phase, thus all rights, titles and interests qua the subject lands vested in the acquiring authority concerned. Resultantly, therebys it has also been stated in the reply, that the petitioner had no locus standi to claim that licence be accorded to it for raising a housing colony on the subject land.

5. Though, the policy decision (supra) is made by the respondent concerned, thus in terms of the provisions relating to the development of the

periphery existing in the Periphery of Chandigarh, whereins, the development activities to be taken thereovers, thus become enjoined to be taken only by the Government or through its agencies. However, it is stated in reply on affidavit, that in ***SLP(C) No. 28411 of 2011*** titled as ***Kishore Chabbra versus State of Haryana and others***, the Hon'ble Apex Court through an interim order dated 31.10.2011, rather had stayed the action taken by the State Government on the basis of the policy decision. The operative part of the said interim order is extracted hereinafter. *"Till the next date, all the actions taken by the State Government on the basis of the policy decision shall remain stayed"*

6. However, it has been further revealed in the reply on affidavit, that the Hon'ble Apex Court vide order dated 13.2.2012, had rather observed that the State shall be free to implement the policy decision contained in circular dated 26.10.2007 in appropriate deserving cases. The operative part of the order (supra) is extracted hereinafter.

"*The submission of the learned senior counsel for the State is accepted and in modification of the last portion of interim order dated 31.10.2011, the following order is passed:-*

The petitioner shall not dispossess from the land, factory etc. belonging to him but the State shall be free to implement the policy decision contained in Circular dated 27.10.2007 in appropriate deserving cases"

7. Therefore, it is contended, that in terms of the above extracted order, the respondent concerned, came to a conclusion, that the subject land did not deserve to become released from acquisition.

8. The relevant paras of the reply (supra) are extracted hereinafter. *"x x x x*

That it is respectfully submitted that the land in dispute is being acquired for the planned development of Sector 1, 2, 3, 5B, 5C & 6, Mansa Devi Complex, Panchkula. The acquired/awarded land is being utilized by the Haryana Urban Development Authority (HUDA) for notified public purpose. In Sector-1, Gymkhana Club Building, a Power House, Rajiv Gandhi Park (partly) and Paradise Park have been constructed and a water works site is under construction. It is pertinent to mention that land use of sector 1 has been changed from area reserved for IT uses to open space zone keeping in view the need to protect the water shed area of Sukhna Lake (an undertaking was also given by the State in CWP No. 7649 of 2003) and accordingly parks have been developed in the area in possession of HUDA, rest of the area of Sector 1 will also be developed as open space zone once the possession is taken over after vacation of stay orders by this Hon'ble Court. In the layout plan of Sector 2, total 1435 plots have been provided, out of which 131 nos. of plots stand allotted. The remaining plots could not be floated due to area under litigation. In Sector-5B, commercial sites, hotel sites, police post etc. Have been provided on land measuring 41 acres, wherein development works stand completed. In Sector-6, 375 nos. of residential plots of various categories and 6 nos. of Group Housing Sites, Mela Parking sites etc. have been provided in the lay out plan. Out of the total plots, 266 nos. of plots stand allotted and developments works stands completed on an area measuring approximately 90 acres of land.

x x x x x

13. That the contents of Para No. 13 of the petition are matter of record to the extent of the issuance of the policy dated 24.01.2011. It is worthwhile to mention that the policy dated 24.01.2011 specifically provides that only such cases with respect to which an application under Section 3 of Haryana Development and Regulation of Urban Areas Act, 1975 has been made prior to issuance of Section 6 for converting to the land into colony may be considered for release subject to the condition that ownership of the land is prior to Section 4 notification. In view of the aforesaid the case of the petitioner is not covered under the policy because the earlier application filed by the petitioner was rejected on 13.06.1999 and it was after issuance of declaration under Section 6 of the Act of 1894 that the petitioner applied for grant of license.

14. That the contents of Para No. 14 of the petition are wrongand hence denied. The case of the petitioner is not covered under the policy because the earlier application filed by the petitioner was rejected on 13.06.1999 and it was after issuance of declaration under Section 6 of the Act of 1894 that the petitioner applied for grant of license.

15. That the contents of Para No. 15 of the petition are wrong and hence denied. It is submitted that in the cases of acquisition, the public purpose acts as a polestar and the private interest must give way to the public interest at large. The decision in which manner the acquired land is to be utilized is an executive action and cannot be dictated at the behest of the land owner. The land is question is being acquired for the planned and integrated development of Sector 1, 2, 3,

5B, 5C & 6, Mansa Devi Complex, Panchkula. The acquired/awarded land is being utilized by the Haryana Urban Development Authority (HUDA) for notified public purpose. In Sector-1, Gymkhana Club Building, a Power House, Rajiv Gandhi Park (partly) and Paradise Park have been constructed and a water works site is under construction. It is pertinent to mention that land use of sector 1 has been changed from area reserved for IT uses to open space zone keeping in view the need to protect the water shed area of Sukhna Lake (an undertaking was also given by the State in CWP No. 7649 of 2003) and accordingly parks have been developed in the area in possession of HUDA, rest of the area of Sector 1 will also be developed as open space zone once the possession is taken over after vacation of stay orders by this Hon'ble Court. In the layout plan of Sector 2, total 1435 plots have been provided, out of which 131 nos. Of plots stand allotted. The remaining plots could not be floated due to area under litigation. In Sector-5B, commercial sites, hotel sites, police post etc. Have been provided on land measuring 41 acres, wherein development works stand completed. In Sector-6, 375 nos. of residential plots of various categories and 6 nos, of Group Housing Sites, Mela Parking sites etc. have been provided in the lay out plan. Out of the total plots, 266 nos. of plots stand allotted and developments works stands completed on an area measuring approximately 90 acres of land. The land is required by HUDA for achieving the defined objective. Any release of land shall adversely hamper the planned and integrated development of the Complex.

x x x x x

21. That in reply to the contents of Para No. 21 of the petition, it is submitted that the representation of the petitioner has been rejected on the ground that land measuring 9.44 acres falls within the designated open space zone of the Development Plan, therefore, thus land is not in conformity with the zoning regulations to consider grant of licence for group housing colony, therefore cannot be released. 7.14 acres of total claimed land falls in the alignment of 60 mtrs. wide peripheral road and further 1.25 acres land is falling in 18 mtrs. wide road circulation and 1.004 acres is falling in 12 mtrs. wide circulation. Further it was noted that 0.64 acres of land affects the planning of plots. In the manner as stated aforesaid, the request for release of 19.474 acres of land was rejected and the decision on the remaining land was adjourned sine die in view of the orders of the Hon'ble Supreme Court of India.

22. That the contents of Para No. 22 of the petition are wrong and hence denied. It is submitted that Section 24(2) of the Act of 2013 applies only to such cases wherein even though the award was announced more than 5 years prior to coming into force of the Act, 01.01.2014, however, neither the possession has been taken nor the compensation has been paid. In view of the law laid down by the Hon'ble Supreme Court of India in Indore Development Authority Vs. Manohar Lal and others AIR 2020 SC 1496, the five years period shall be determined after deducting the period during which the stay was in operation since in the case in hand the stay is operating since 07.03.2001 till date, therefore, Section 24(2) of the Act of 2013 would not be applicable.

23. That the contents of Para No. 23 of the petition are wrong and hence denied. The acquisition proceedings in question were stayed by the Hon'ble High Court vide order dated 18.05.2001 passed in C.M. No. 13086 of 2001 in CWP No. 876 of 2001 titled as Dr. B. Singh Vs. Union of India and others. The said order continued till 07.02.2003 and the representations filed by the said petitioner in terms of the order dated 07.02.2003 were rejected on 02.07.2003, therefore after excluding the period form 18.05.2001 till 02.07.2003 the revised date for announcement of award was on or before 27.04.2004 and the award was announced on 09.10.2003 which is within the limitation period of two years form the date of issuance of declaration under Section 6 of the Act of 1894 after excluding the period during which stay was in operation as per explanation appended to Section 11-A of the Act of 1894.

24. That in reply to the contents of Para No. 24 of the petition, it is respectfully submitted that the judgment dated 15.07.2008 passed in C.W.P. No. 12510 of 2000 and 12513 of 2000 was passed in different set of circumstances wherein the construction was existing on the land in question and the objection under Section 5-A filed by the petitioner therein was rejected on the ground that the construction raised is unauthorised in nature whereas the petitioner contended before the Hon'ble Court that the construction was raised after taking due permission from the concerned authorities. Suffice to mention that aforesaid order has been challenged before Hon'ble Supreme Court of India by filing SLP (C) No. 1858518586 of 2009 converted into Civil Appeal No. 7420-7421 of 2010 which is still pending consideration before the Hon'ble Supreme Court of India, therefore, no parity can be claimed by the petitioner with the aforesaid order passed in CWP No. 12510 of 2000 and 12513 of 2000. The detailed submissions made in the preliminary submissions are reiterated and the same may kindly be read as part and parcel of the reply to the instant para.

25. That the contents of Para No. 25 of the petition are wrong and hence denied. It is respectfully submitted that the due hearing was given while deciding the objections filed under Section 5-A of the Act of 1894 and no parity can be drawn from the decision of this Hon'ble Court in C.W.P. No. 12510 of 2000.

x x x x x

30. That in reply to the contents of Para No. 30 of the petition, it is respectfully submitted that merely because the petitioner society is also intending to develop the land into the residential colony, it will not bar the State to acquire the land for the residential and commercial purpose. As submitted in the preliminary submissions the land in question affects the major part of planning including open space, plot and roads. Therefore, in any case said land cannot be released from the acquisition proceedings. x x x x x

42. That the contents of Para No. 42 of the petition are wrong and hence denied. The plots allotted to the societies are after carrying out the development of Sector. The petitioner is trying to project the case of allotment as if the land has been released in favour of those societies whereas fact of the matter is that it is the plots which are allotted to the societies in the same manner as is allotted to the individuals after carrying out the planned development in the area."

Reasons for dismissing the instant petition

9. For the reasons to be assigned hereinafter, this Court does not find any merit in the instant petition, and, is constrained to dismiss it.

10. Since the Hon'ble Apex Court in the hereinabove extracted order, had but in appropriate deserving cases, permitted the State to implement the policy decision contained in the circular dated 26.10.2007, thereby when excepting, the appropriate deserving cases, thus the thereunders contemplated development activities, thus become enjoined to become undertaken in the periphery of Chandigarh, rather only by the Government or through its agencies. Resultantly, unless the instant case was an appropriate deserving case therebys in terms of the circular (supra), the undertakings of developmental activity in the periphery of Chandigarh, thus by the Government or by its agencies, is to be construed to be a validly undertaken or a validly executable developmental activity.

11. Though the petitioner society claims, that its case for releasing the subject lands from acquisition, though was a deserving case, yet the merit of its claim for releasing the subject lands has been untenably ousted. 12. The above argument becomes rested on the ground, that to other societies the respondent concerned, releasing their plots from acquisition whereas, vis-a-vis the petitioner society such orders for release becoming not made. Therefore, it is argued, that thereby the respondent concerned, has practised invidious discrimination against the present petitioner.

13. However, the above argument is rudderless, as a reading of the impugned order discloses, that the releases of lands as made to the other society(ies) was in fact made to those society(ies), and/or to its members, but only pursuant to the developmental works becoming completed in the zone, or the area concerned. Consequently, since therebys the said allotments were made to those society(ies) but only after completion of developmental activities on the acquired lands. Consequently, the petitioner society cannot be construed to be at par with the making of allotments of lands, rather to those society(ies), whereovers complete developmental activities were made, but after the completion of acquisition proceedings. The said allotments, as such can not be construed to be releases to such allottees, nor thereby the petitioner society can claim any parity with such allotments made to the society(ies) concerned, but after completion of developmental activities thereovers, and, that too after completion of unimpugned acquisition proceedings.

14. The learned senior counsel for the petitioner, has vehemently argued before this Court, that when the petitioner housing society would also be raising dwelling units over the subject lands, and, especially when the purpose of acquisition is similar to the said purpose for which the society has been created. Resultantly, he contends, that since thereby when there is no deviation from the public purpose, as stated in the acquisition notification. In sequel, the petitioner society has a legitimate expectation qua the subject lands being not acquired, and/or upon their acquisition, thus the subject lands being ordered to be released from acquisition.

15. The above argument also does not find any favour from this Court, and, is hereby rejected. The reason being, that unless there was a validly accorded licence to the petitioner society to raise a housing colony on the acquired lands, thereupon no construction was amenable to be raised thereons. It is apparent on a reading of the reply on affidavit, furnished to the instant petition, that though the petitioner society had applied on 23.1.1995,

thus for the grant of licence to it, but the said application became rejected, rather on the ground, that the licence to construct was asked to be made in respect of the land, which was covered by the circular (supra), whereunders, there is an interdiction against the raising of construction in the Chandigarh periphery, excepting by the State Government or through its agencies. Enigmatically, the said rejection order made on the petitioner's application for grant of licence to it for making constructions over the subject lands, has remained unchallenged, thereby it acquires conclusivity. Therefore, the petitioner society is estopped to claim, that yet it be granted licence for therebys constructions being validly raised over the subject lands. 16. Be that as it may, the petitioner society also applied for the grant of a fresh licence on 11.1.2001, but since the above said notification for acquisition became issued under Section 4 of the Act of 1894, and, when at the said phase, there was a complete vestment of right, title and interest in the acquiring authority concerned. Resultantly, the said application was required to be rejected, and, or was required not to be considered. Necessarily for the reason, that in case the said licence became granted therebys the undertakings of development of the area, whereins, the said lands fell, when is to be undertaken solitarily by the State Government or its agencies, rather would become forestalled. The further sequel thereof, is that, the petitioner cannot seek to oust the power of eminent domain vested in the acquiring authority, thus on the premise, that the petitioner society has a purported holistic objective to raise a residential colony on the subject lands, thus for its members becoming housed in the dwelling units which become constructed thereons.

17. The purported limitation on the above said power of lawful releases, as becomes created in the instant case, through the circular (supra), but when the said circular is made with a profound contemplation to subject the petition lands to acquisition so as to achieve salutary purpose of ensuring curbing density of urban development in the zone concerned, especially when the subject lands fall around the catchment periphery near Sukhna Lake. Therefore, it appears, that the above profound contemplation when is intended to be furthered or is intended to be fully activated, thus through the apposite development activities becoming undertaken by the State Government or its agencies. Contrarily, the said salutary purpose rather would remain under a dire threat, in case the developmental activities are permitted to be carried by the non-government agencies, as the present petitioner society(ies) are. Consequently, for furthering the salutary purpose (supra), the circular has been issued. Resultantly, when the petitioner society

may choose to make brazen constructions over the subject lands, thereby when may defeat the larger public interest of low density urban development taking place around the periphery near Sukhna Lake, whereins, the subject lands exist. Consequently, to avoid environmental degradation, besides to promote a friendly ambience around Sukhna Lake, the denial of licence to the petitioner society, and/or to bring the subject lands to acquisition does not suffer from any vice of arbitrariness or discrimination, nor the power of eminent domain becomes exercised arbitrarily.

18. The Hon'ble Supreme Court in its judgment rendered in "***Bannari Amman Sugars Ltd. V/s Commercial Tax Officer and others", 2005(1) SCC 625,*** has held that though it is now firmly established that the Government can change its policy at any time, in public interest, which must override private interest, however, withdrawal of representation or promise, which induced a person to change his position to his disadvantage, must not be arbitrary and unreasonable and must satisfy the requirement of Articles 14 and 19 of the Constitution. It has also been held that in order to determine the reasonableness of the change of a policy, the Court will see:-

(i) whether there is any unfairness involved;

(ii) the nature of the right alleged to have been infringed;

(iii) the underlying purpose of the restriction imposed;(iv) the extent and urgency of the evil sought to be remedied thereby,

(v) the disproportion of the imposition,

(vi) the prevailing condition at the relevant time enter intojudicial verdict.

In this judgment, the Hon'ble Supreme Court has also held that the reasonableness of the legitimate expectation has to be determined with respect to the circumstances. The relevant paragraphs of the judgment are

reproduced hereinafter:-

"*16. If the State acts within the bounds of reasonableness, it would be legitimate to take into consideration the national priorities and adopt trade policies. As noted above, the ultimate test is whether on the touchstone of reasonableness the policy decision comes out unscathed.*

17. Reasonableness of restriction is to be determined in an objective manner and from the standpoint of interests of the general public and not from the standpoint of the interests of persons upon whom the restrictions have been imposed or upon abstract consideration. A restriction cannot be said to be

unreasonable merely because in a given case, it operates harshly. In determining whether there is any unfairness involved the nature of the right alleged to have taken infringed, the underlying purpose of the restriction imposed, the extent and urgency of the evil sought to be remedied thereby, the disproportion of the imposition, the prevailing condition at the relevant time enter into judicial verdict, the reasonableness of the legitimate expectation has to be determined with respect to the circumstances relating to the trade or business in question. Canalisation of a particular business in favour of even a specified individual is reasonable where the interests of the country are concerned or where the business affects the economy of the country.

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19. In order to invoke the doctrine of promissory estoppel clear,sound and positive foundation must be laid in the petition itself by the party invoking the doctrine and bald expressions without any supporting material to the effect that the doctrine is attracted because the party invoking the doctrine has altered its position relying on the assurance of the Government would not be sufficient to press into aid the doctrine. The Courts are bound to consider all aspects including the results sought to be achieved and the public good at large, because while considering the applicability of the doctrine, the Courts have to do equity and the fundamental principles of equity must for ever be present in the mind of the Court.

20. In Shrijee Sales Corporation and Anr. v. Union of India, 1897 (3) SCC 398) it was observed that once public interest is accepted as the superior equity which can override individual equity the principle would be applicable even in cases where a period has been indicated for operation of the promise. If there is a supervening public equity, the Government would be allowed to change its stand and has the power to withdraw from representation made by it which induced persons to take certain steps which may have gone adverse to the interest of such persons on account of such withdrawal. Moreover, the Government is competent to rescind from the promise even if there is no manifest public interest involved, provided no one is put in any adverse situation which cannot be rectified. Similar view was expressed in ***Pawan Alloys and Casting Pvt. Ltd. Meerut etc. v. U.P. State Electricity Board and Others (AIR 1997 Supreme Court 3810) and in Sales Tax Officer and Anr. v. Shree Durga Oil Mills and Anr., 1998 (1) SCC 573),*** *it was further held that the Government could change its industrial policy if the situation so warranted and merely because the resolution was announced for*

a particular period, it did not mean that the government could not amend and change the policy under any circumstances. If the party claiming application of the doctrine acted on the basis of a notification it should have known that such notification was liable to be amended or rescinded at any point of time, if the government felt that it was necessary to do so in public interest."

19. From the hereinabove extracted paragraphs, it becomes amply clear that even the Hon'ble Supreme Court has held that if there is a supervening public equity, the Government would be allowed to change its stand and has the power to withdraw from any representation as made by it.

20. A Larger Bench of the Hon'ble Supreme Court in its judgment drawn upon ***Writ Petition Nos.151, 152, 153, 176 to 182, 186 to 189 and 198 of 1971 and Civil Appeal Nos.1398, 1416 and 1417 of 1972, Decided on: 18.09.1973, titled as "State of Kerala and another V/s The Gwalior Rayon Silk Mfg. (Wvg.) Co. Ltd. etc.",*** has held that any agreement between a private individual and the government does not create estoppel upon the latter to exercise its executive power. The relevant paragraph of the judgment (supra) reads as under:-

"*23. Mr. Menon who appeared for the respondent in Civil Appeal No. 1398/72 put forward a plea of equitable estoppel peculiar to his client company. It appears that the Company established itself in Kerala for the production of rayon cloth pulp on an understanding*

that the Government would bind itself to supply the raw material. Later Government was unable to supply the material and by an agreement undertook not to legislate for the acquisition of private forests for a period of 60 years if the Company purchased forest lands for the purpose of its supply of raw-materials. Accordingly, the Company purchased 30,000 acres of private forests from the Nilambhuri Govila Kannan estate for Rs. 75/- lakhs and, therefore, it was argued that, so far as the company is concerned, the agreement not to legislate should operate as equitable estoppel against the States. We do not see how an agreement of the Government can preclude legislation on the subject. The High Court has rightly pointed out that the surrender by the Government of its legislative powers to be used for pubic good cannot avail the company or operate against the Government as equitable estoppel." 21. In the present case, there is no wrangle that the petitioner(s) has not been granted any NOC/CLU/Licence by the respondent-State or its instrumentality, whereas grants thereof may debar the respondent-State to exercise its power of *eminent domain*. Even otherwise

also, a Division Bench of this Court, in its judgment rendered in case of ***Laxmi Educational Society (Supra),*** has categorically held that the grant, if any, of NOC/CLU/Licence/any other permission would not grant any immunity to the land, for all times to come, from its acquisition being made by the State, especially when it is required for a public purpose, as private interests are to succumb to the larger public interest. Resultantly, therebys the circular (supra) prevails over or predominates over the individualistic interest of the petitioner society. In sequel, any purported legitimate expectation of the petitioner society, to thus claim the same on its mere registration, and, without any building licence being granted to it, rather has to succumb to the supervening public equity, which has been created through the circular (supra).

22.Likewise, the Hon'ble Supreme Court has also, in case of ***State of Haryana V/s Vinod Oil and General Mills (Supra),*** held that even the grant of CLU/Licence will not operate as an estoppel for the State to acquire the land for the public purpose. The relevant paragraph of the judgment (supra) is extracted hereinafter:-

"*8. Permission for change of land use and developing the area as an industry, in our view, has no relevance while considering the validity of acquisition.* ***If we are to hold that once permission is granted for change of land use for developing the area as an industry and thereafter State cannot acquire it, then a situation may arise that for all time to come, the particular area cannot be acquired which may not be in the larger public interest.*** *We are also unable to agree with the view taken by the High Court that the action of the respondents/State in approving setting up of a factory and then acquiring the same is unreasonable.* ***It is not as if the lands where factories are set up are immune from any acquisition. The only effect of permission for such change in land use and approval for construction and developing the area as an industry can be recognized as valid only to the extent as to confer right upon the land owners to recover the appropriate compensation.***

9. The land was acquired for development and utilization of the same for residential and commercial purposes in Sector 9 & 11, Hissar. So far as the purpose of acquisition of land is concerned, the High Court observed that "the acquisition is not for essential public services such as development of infrastructure, railways, metro or the purpose related thereto, irrigation, water supply, drainage, road, communication etc.…". High Court

was not correct in observing that only development of infrastructure, railways or irrigation, water supply, drainage, road etc. are primary public purposes. Public purpose includes a purpose involving general interest of community as opposed to the interest of an individual directly or indirectly involved. Individual interest must give way to public interest as far as public purpose in respect of acquisition of land is concerned." 23. In view of the hereinabove extracted legal propositions, as also the facts and circumstances discussed hereinabove, it can be easily concluded that the exercising of the power of *eminent domain* by the respondent-State, was thus to achieve a larger public interest, whereupon it rather enjoys precedence over any legitimate expectation, as allegedly created in favour of a private individual.

The reasons for declining the relief relating to make a lapsing declaration in terms of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act of 2013').

24. In case titled "***State of Bihar and Ors. V/s Project Uchcha Vidya, Sikshak Sangh and Ors.", (2006) 2 Supreme Court Cases 545,*** the Hon'ble Supreme Court has categorically held that the rule of estoppel has no application where recourses are made to unchallenged constitutional provisions or an unchallenged statute. Consequently, when the circular (supra) has not been quashed, and, set aside, therefore its mandate is required to be enforced as such. Resultantly, therebys the order rejecting the petitioner's licence is a validly made order, besides therebys the exercisings of power of eminent domain by the acquiring authority is infused with legality. The relevant paragraph of case (supra) is reproduced hereinafter:-

"*77. We do not find any merit in the contention raised by the learned counsel appearing on behalf of the respondents that the principle of equitable estoppel would apply against the State of Bihar. It is now well known, the rule of estoppel has no application where contention as regards a constitutional provision or a statute is raised. The right of the State to raise a question as regards its actions being invalid under the constitutional scheme of India is now well recognized. If by reason of a constitutional provision, its action cannot be supported or the State intends to withdraw or modify a policy decision, no exception thereto can be taken. It is, however, one thing to say that such an action is required to be judged having regard to the fundamental rights of a citizen but it is another thing to say that by applying the rule of estoppel, the State would not be permitted to raise the said question at all.*

So far as the impugned circular dated 18.02.1989 is concerned, the State has, in our opinion, a right to support the validity thereof in terms of the constitutional framework."

25. Insofar as the reliance placed by the learned counsel for the petitioner(s) upon ***Navjyoti Co-op. Group Housing Society (Supra)***, to substantiate his argument(s), is concerned, the same appears to be a misplaced reliance, as this judgment in fact supports the view adopted by this Court. The Hon'ble Supreme Court, in ***Navjyoti's case (Supra)***, has held that the petitioner(s)-Housing Society was entitled to 'legitimate expectation' for therebys its making an insistence upon the respondent concerned, to consistently follow the past practice in the matter of allotment. It has been further held that the doctrine of 'legitimate expectation' imposes a duty on public authority to act fairly by taking into consideration all relevant factors relating to such 'legitimate expectation'. However, the Hon'ble Apex Court on its finding thereins, that there was no tangible compelling reason with the respondent therein to alter its procedures, therebys in the decision (supra), the Hon'ble Apex Court favourably applied vis-a-vis the petitioner therein the doctrine of 'legitimate expectation'. The relevant paragraph of the judgment (supra) reads as under:-

"*16. It may be indicated here that the doctrine of 'legitimate expectation' imposes in essence a duty on public authority to act fairly by taking into consideration all relevant factors relating to such 'legitimate expectation'. Within the conspectus of fair dealing in case of 'legitimate expectation', the reasonable opportunities to make representation by the parties likely to be affected by any change of consistent past policy, come in. We, have not been shown any compelling reasons taken into consideration by the Central Government to make a departure from the existing policy of allotment with reference to seniority in Registration by introducing a new guideline. On the contrary, Mr. Jaitley the learned Counsel has submitted that the DDA and/or Central Government do not intend to challenge the decision of the High Court and the impugned emorandum of January 20, 1990 has since been withdrawn. We therefore feel that in the facts of the case it was only desirable that before introducing or implementing any change in the guideline for allotment, an opportunity to make representations against the proposed change in the guideline should have been given to the registered Group Housing Societies, if necessary, by way of a public notice.*"

26. However, the ratio of law laid down in judgment (supra) is not applicable vis-a-vis the present petitioner, as reiteratedly, neither 'legitimate expectation' thus for reasons (supra), becomes aroused vis-a-vis the petitioner, neither the act of the respondent-State, as comprised in its well exercising the power of *eminent domain,* thus is arbitrary nor is unreasonable, rather it is aimed at accomplishing the requisite public purpose as becomes embodied in the apposite circular.

27. The further reliance placed by the learned counsel for the petitioner(s), upon the case of ***Food Corporation of India (Supra),*** is also a misconceived reliance, as therein also, the Hon'ble Supreme Court has held that legitimate expectation is a relevant factor, thus requiring adequate consideration for facilitating a fair decision-making process. Whether the expectation of the claimant is reasonable or legitimate in the relevant context, is a question of fact in each case and this question has to be determined not according to the claimant's perception but in larger public interest. The relevant paragraph of the judgment (supra) is extracted hereinafter:-

"*8. The mere reasonable or legitimate expectation of a citizen, in such a situation, may not by itself be a distinct enforceable right, but failure to consider and give due weight to it may render the decision arbitrary, and this is how the requirement of due consideration of a legitimate expectation forms part of the principle of nonarbitrariness, a necessary concomitant of the rule of law. Every*

legitimate expectation is a relevant factor requiring due consideration in a fair decision making process. Whether the expectation of the claimant is reasonable or legitimate in the context is a question of fact in each case. Whenever the question arises, it is to be determined not according to the claimant's perception but in larger public interest wherein other more important considerations may outweigh what would otherwise have been the legitimate expectation of the claimant. A bona fide decision of the public authority reached in this manner would satisfy the requirement of non-arbitrariness and withstand judicial scrutiny. The doctrine of legitimate expectation gets assimilated in the rule of law and operates in our legal system in this manner and to this extent." 28. Now, insofar as the other argument(s), as raised by the learned senior counsel for the petitioner is concerned, which pertains to petitioner being entitled for release of land, as an application was made by it for grant of licence, which however became wrongly rejected, despite its being well entitled for grant of licence, but also

deserves rejection. The reason for rejecting the said argument is embedded in the factum, that since the order, thus declining the petitioner's application for licence to build remained unchallenged, thereby it acquires conclusivity. Furthermore, also on the ground, that the apposite fresh application was well rejected on the premise, that it was made as a guise to challenge the launching of acquisition proceedings. Since at that stage, there is complete vestment of right, title and interest in the acquiring authority concerned, over the subject lands. Therefore, the non consideration or rejection of the said application, as became made post the launching of the acquisition proceedings, is to be deemed to be flawless.

29. Moreover, since it is also informed to this Court by the learned counsel for the respondent(s) that no land, as brought to acquisition through the impugned acquisition proceedings, has been released, on account of grant of licence. Therefore, the petitioner cannot even plead any perpetration of discrimination vis-a-vis them.

30. The petition land(s) is an inevitable and insegregable component of the layout plan and this aspect has been considered even by the High Powered Committee, as is evident from the order dated 21.10.2014. Therefore too, consequently, this Court does not deem it fit and appropriate to, merely for the benefit of the petitioner, make any untenable tinkerings with the layout plan, which is meant to subserve a public purpose.

31. Reiteratedly, the plea of discrimination, as raised by the petitioner thus purportedly founded on the ground that it becomes well leveraged from the allotments being made to certain societies, rather deserves rejection. The reason being that the allotments, as made to certain societies were after complete developmental activities taking place there, and, that too after the lawful conclusion of unimpugned acquisition proceedings. Resultantly, therebys the present petitioner cannot claim parity with the said societies. Consequently, the plea of discrimination, as raised by the learned counsel for the petitioner does not warrant any attention, as evidently therebys there occurs no discrimination, vis-a-vis, the petitioner.

32. The learned senior counsel for the petitioner has claimed that the impugned acquisition proceedings be declared to become lapsed, as no award has been passed within the statutory period, as prescribed under Section 11 of the Act of 1894. It has been further argued that since there was status quo operating only qua possession, therefore, there was no restraint upon the acquiring authority concerned to pass an award pursuant to

issuance of declaration under Section 6 of the Act of 1894, and that too, within the period prescribed for the making of an award.

33. Before adjudicating the above made argument, it would be relevant to, at this juncture, make a survey of the provisions, as enclosed in Section 11-A of the Act of 1894, which is extracted hereinafter:-

***[11A. Period shall be which an award within made.**- The Collector shall make an award under section 11 within a period of two years from the date of the publication of the declaration and if no award is made within that period, the entire proceeding for the acquisition of the land shall lapse:*

Provided that in a case where the said declaration has been published before the commencement of the Land Acquisition (Amendment) Act, 1984 (68 of 1984), the award shall be made within a period of two years from such commencement.

Explanation- In computing the period of two years referred to in this section, the period during which any action or proceeding to be taken in pursuance of the said declaration is stayed by an order of a Court shall be excluded.]

34. A bare glance at the explanation, as attached to the hereinabove extracted Section, makes it graphically clear that for the purpose of computing two years, such period shall be excluded, during which any action or proceeding to be taken in pursuance of declaration, is stayed by order of Court.

35. As elaborated hereinabove, the declaration under Section 6 was issued on 15.03.2000. In CWP-6357-2000, which was a part of a set of several writ petitions, this Court had passed an interim order on 22.5.2000 to maintain status-quo. The writ petition (supra) was finally disposed of, vide a common order dated 12.8.2011, as passed in lead petition of said bunch, i.e. CWP-12848-2000, titled as “Jasbir Singh Siali Vs. The State of Haryana and others”, whereby, a direction was issued upon the State/High Powered Committee concerned, to decide the claim of the petitioner(s) therein, besides a direction was also made to maintain status quo regarding possession of land, till communication of said decision to the High Powered Committee and 15 days thereafter.

36. Accordingly, the High Powered Committee, as constituted, considered the representation(s) of all concerned and passed a detailed order on 21.10.2014, thereby declining the relief(s), as asked by the concerned. Since the declining order caused pain to the landowner(s) concerned, thus they

approached this Court through filing the writ petition at hand whereupon, on 4.12.2014, a direction was made to the parties concerned to maintain status quo.

37. Therefore, the status quo order against dispossession, and, the directions made to the High Powered Committee to consider the representation(s) of the landlooser(s) concerned, especially the said phase during which the representation(s) were subjudice before the authority concerned, did all well restrain the acquiring authority concerned to, within the limitation period prescribed in Section 11 of the Act of 1894, thus make an award under Section 11 of the Act of 1894. Consequently, the above phase, whereby, the respondent(s) was precluded to draw an award, did naturally fall within the domain of the explanation, as attached to Section 11-A of the Act of 1894, rather for computing the statutory period of two years for the passing of an award. Since immediately post the making of rejection order by the High Powered Committee, the instant petition was filed and thereon, on 4.12.2014, yet again the parties were directed to maintain status quo with respect to the petition land(s). Therefore, when the validity of the rejection order was under consideration, thereby too, even during the said phase, the respondent(s) concerned could be well construed to become ably deterred to make an award within the period of limitation, as prescribed under Section 11 of the Act of 1894.

38. In "***Faizabad-Ayodhya Development Authority, Faizabad V/s Dr. Rajesh Kumar Pandey & Ors.", Civil Appeal No.2915 of 2022,*** it has been declared that when no award under Section 11 is passed after issuance of a declaration under Section 6 of the Act of 1894, owing to pendency of any proceeding and/or interim stay granted, therebys the landowners shall not be entitled to compensation under Section 24(1) of the Act of 2013. Consequently, the era of pendency of the instant writ petition(s) before this Court, purportedly against the rejection order made by the High Powered Committee, did during that era, thus well preclude the authority concerned to make an award. Therefore, an interim stay, passed thereins, even if it was a stay against dispossession, rather makes the said fact to be construable to be a well made deterrence upon the acquiring authority against its passing an award under Section 11 of the Act of 1894. In sequel, the said period is to be excluded, in terms of the explanation attached to Section 11-A of the Act of 1894, besides in terms of the judgment (supra), from making the relevant

computation, therebys also there is no entitlement endowed to the petitioner(s) to claim compensation under Section 24(1) of the Act of 2013.

39. Moreover, the Hon'ble Supreme Court in its judgment rendered in ***Yusufbhai Noormohmed Nendoliya's case (Supra)*** has also held that the explanation to Section 11-A is couched in the widest possible terms and there is no warrant for limiting the signification of the coinages, as occur in the explanation, thus to actions or proceedings, but only preceding the making of the award under Section 11. Contrarily, the signification of the statutory coinage (supra) also extends to the stage of passing of an award. Therefore, when during the phase of status quo, as became granted by this Court, therebys an embargo became foisted, upon the acquiring authority concerned, from taking possession of the land, and, therefore, such period has to be excluded while computing the statutory period of two years for the making of an award, since the making of a declaration under Section 6 of the Act of 1894. The reason being that the amplitude of the significations of the statutory coinage (supra) extends to, besides infuses an order of status quo or against dispossession, thus with the elemental vigour qua therebys a well restraint being caused against the passing of an award under Section 11 of the Act of 1894.

40. The law laid down in judgment (supra) was reiterated and reaffirmed by a Three Judge Bench of the Hon'ble Supreme Court, while drawing a judgment in case titled as "***State of Maharashtra Vs. Moti Ratan Estate" (Supra),*** wherein, it has been held that:- "*7.5 On considering catena of decisions of this Court, referred to hereinabove, the following propositions of law can be culled out: (i) when the scheme of the acquisition is one, interim stay granted in respect of one pocket of land would operate even with respect to other pockets of land and in such a situation the authorities are justified in not proceeding with the acquisition proceedings and therefore the acquisition proceedings would not lapse;*

(ii) interim order of stay granted in respect of one of the land ownerswould have a complete restraint for the authorities to proceed further;

(iii) when the stay has been granted in one matter and where thescheme was one, the authorities were justified to stay their hands;

(iv) the extended meaning of the words "stay of the action orproceedings under Section 11A of the Act" would mean that any interim effective order

passed by the court which may come in the way of the authorities to proceed further;

(v) Explanation to Section 11A of the Act is in the widest possibleterms and there is no warrant for limiting the action or proceedings,

referred to in the explanation, to actions or proceedings preceding the making of the award under Section 11 of the Act and therefore the period of injunction obtained by the land holders staying the acquisition and authorities from taking possession of the land has to be excluded in computing the period of two years."

41. Furthermore, the Hon'ble Supreme Court in case titled as "***Faizabad-Ayodhya Development Authority, Faizabad V/s Dr. Rajesh Kumar Pandey & Ors.",*** has again considered this issue and while relying upon various propositions of law, held that in case, where on the date of commencement of the Act of 2013, no award under Section 11 is passed after the makings of the apposite declaration, thus owing to pendency of any proceeding and/or interim stay granted by the court, thereby such landlord shall not be entitled to compensation under Section 24(1) of the Act of 2013, rather shall be entitled to compensation only under the Act of 1894. Therefore, in view of the exposition, as made therein and as relates to pendency of any proceeding, comprising a well deterrence upon the acquiring authority to make an award under Section 11 of the Act of 1894. Consequently, thereby too, all throughout, when the order qua status quo, and, the order qua status quo, qua against dispossession were in force, therebys there was a well made restraint upon the authority concerned to pass an award under Section 11 of the Act of 1894. Resultantly, the said period has to be excluded for computing the relevant period of limitation.

42. In the above referred judgment, the Hon'ble Supreme Court has also relied upon a decision rendered by it in the case of "***State of Gujarat Vs. Essar Oil Ltd.," 2012 (3) SCC 522,*** wherein, it has been observed that the principle of restitution is a remedy against unjust enrichment or unjust benefit. The relevant extract of the judgment rendered in ***Faizabad-Ayodhya Development Authority's case (supra)*** is reproduced hereinafter:-

"*15. In the case of Indore Development Authority (supra), even this Court applied the principle of restitution. It is observed that the principle of restitution is founded on the ideal of doing complete justice at the end of litigation, and parties have to be placed in the same position but for the litigation and interim*

order, if any, passed in the matter. Applying the principle of restitution, it is further observed that no party could take advantage of a litigation. It is further observed and held that the principle of restitution is a statutory recognition of the rule of justice, equity and fair play. The court has inherent jurisdiction to order restitution so as to do complete justice. This is also on the principle that an unsuccessful litigant who had the benefit of an interim order in his favour cannot encash or take advantage of the same on the enforcement of the Act, 2013 by initially stalling the acquisition process and later seeking a higher compensation under the provisions of Act, 2013. We say so for the reason that if at the instance of a landowner, who has challenged the acquisition, an interim order has been passed by a Court is successful then the proceeding of acquisition or the acquisition notification would be quashed. Then there would be no occasion to determine any compensation. But on the other hand, if a landowner, who has the benefit of an interim order in his favour whilst a challenge is made to the acquisition, is unsuccessful, he cannot then contend that he must be paid compensation under the provision of the Act, 2013 on its enforcement, whereas a landowner, who did not have the benefit of any interim order is paid compensation determined under the provisions of the Act, 1894, which is lesser than what would be computed under the Act, 2013. 15.1 Following the decision of this Court in the case of State of Gujarat Vs. Essar Oil Ltd., (2012) 3 SCC 522, it is observed that the principle of restitution is a remedy against unjust enrichment or unjust benefit. Following the decision of this Court in the case of A. Shanmugam Vs. Ariya Kshatriya Rajakula Vamsathu Madalaya Nandhavana Paripalanai Sangam, (2012) 6 SCC 430, it is observed that the restitutionary jurisdiction is inherent in every court, to neutralise the advantage of litigation. A person on the right side of the law should not be deprived, on account of the effects of litigation; the wrongful gain of frivolous litigation has to be eliminated if the faith of people in the judiciary has to be sustained.

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17. In view of the above and for the reasons stated above, it is observed as under:-

(i) It is concluded and held that in a case where on the date of commencement of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, no award has been declared under Section 11 of the Act, 1894, due to the pendency of any proceedings and/or the interim stay granted by the Court, such landowners shall not be

entitled to the compensation under Section 24(1) of the Act, 2013 and they shall be entitled to the compensation only under the Act, 1894.

18. In view of the above discussion and for the reasons stated above and in view of our conclusion above, all these appeals are allowed. The impugned judgment(s) and order(s) passed by the High Court are quashed and set aside. The concerned appropriate Authority(s) to declare the award under Section 11 of the Act, 1894 with respect to the lands in question and determine the compensation under the provisions of the Act, 1894 by taking into consideration Section 114 of the Act, 2013 read with Section 6 of the General Clauses Act, 1897, wherever applicable and the original landowners shall be paid the compensation accordingly, under the provisions of the Act, 1894."

43. Moreover, in the judgment (supra), following observations were summarized:-

"*(i) The time of five years is provided to the authorities to take action, not to sleep over the matter;*

(ii) Only in cases of lethargy or inaction and default on the part ofthe authorities and for no other reason lapse of acquisition can occur;

(iii) Lapse of acquisition takes place only in case of default by theauthorities acquiring the land, not caused by any other reason or order of the court;

(iv) The additional compensation @ 12% provided under Section 69 of the Act, 2013 has been excluded from the period acquisition proceedings have been held up on account of the interim injunction order of any court;

(v) If it was not possible for the acquiring authorities, for any reasonnot attributable to them or the Government, to take requisite steps, the period has to be excluded;

(vi) In case the authorities are prevented by the court's order,obviously, as per the interpretation of the provisions such period has to be excluded;

(vii) The intent of the Act, 2013 is not to benefit landowners only.The provisions of Section 24 by itself do not intend to confer benefits on litigating parties as such, while as per Section 114 of the Act, 2013 and Section 6 of the General Clauses Act the case has to be litigated as per the provisions of the Act, 1894.

(viii) It is not the intendment of the Act, 2013 that those who haveassailed the acquisition process should get benefits of higher compensation as contemplated under Section 24;

(ix) It is not intended by the provisions that in case, the persons, whohave litigated and have obtained interim orders from the Civil Courts by filing suits or from the High Court under Article 226 of the Constitution should have the benefits of the provisions of the Act, 2013 except to the extent specifically provided under the Act, 2013; (x) In cases where some landowners have chosen to take recourse to litigation and have obtained interim orders restraining taking of possession or orders of status quo, as a matter of practical reality it is not possible for the authorities or the Government to take possession or to make payment of compensation to the landowners. In several instances, such interim orders also have impeded the making of an award;

(xi) However, so far as awards are concerned, the period providedfor making of awards under the Act, 2013 (sic 1894 Act) could be excluded by virtue of Explanation to Section 11-A, which provided that in computing the period of two years, the period during which any action or proceeding to be taken in pursuance of the declaration is stayed by an order of a court shall be excluded;

(xii) The litigation initiated by the landowners has to be decided onits own merits and the benefits of Section 24(2) should not be available to the litigants in a straitjacket manner. In case there is no interim order, they can get the benefits they are entitled to, not otherwise. Delays and dilatory tactics and sometimes wholly frivolous pleas cannot result in benefitting the landowners under sub-section (1) of Section 24 of the Act, 2013;

(xiii) Any type of order passed by this Court would inhibit action onthe part of the authorities to proceed further, when a challenge to acquisition is pending;

(xiv) Interim order of stay granted in one of the matters of thelandowners would cause a complete restraint on the authorities to proceed further to issue declaration;

(xv) When the authorities are disabled from performing duties due toimpossibility, it would be a sufficient excuse for them to save them from rigour of provisions of Section 24. A litigant may have a good or a bad cause, be right or wrong. But he cannot be permitted to take advantage of a situation created by him by way of an interim order passed in his favour by the Court at his instance. Although provision of Section 24 does not discriminate between landowners, who are litigants or non-litigants and treat them differently with respect to the same acquisition, it is necessary to view all of them from the stand point of the intention of the Parliament. Otherwise, anomalous results may occur and provisions may become discriminatory in itself;

(xvi) The law does not expect the performance of the impossible;

(xvii) An act of the court shall prejudice no man;

(xviii) A party prevented from doing an act by certain circumstancesbeyond his control can do so at the first subsequent opportunity; (xix) When there is a disability to perform a part of the law, such a charge has to be excused. When performance of the formalities prescribed by a statute is rendered impossible by circumstances over which the persons concerned have no control, it has to be taken as a valid excuse;

(xx) The Court can under its inherent jurisdiction ex debito justitiaehas a duty to mitigate the damage suffered by the defendants by the act of the Court;

(xxi) No person can suffer from the act of Court and an unfairadvantage of the interim order must be neutralised;

(xxii) No party can be permitted to take shelter under the cover ofCourt's order to put the other party in a disadvantageous position; (xxiii) If one has enjoyed under the Court's cover, that period cannot be included towards inaction of the authorities to take requisite steps under Section 24 as the State authorities would have acted and passed an award determining compensation but for the Court's order."

44. Therefore, in view of the *ratio decidendi*, as laid down by the Hon'ble Supreme Court and as elaborated hereinabove, when orders of status quo regarding possession became granted by this Court in favour of the landowner(s) concerned and they have been reaping fruits of the said order, therebys now such landowner(s) concerned, cannot alter their stand, and, use the said status quo order qua status quo of possession, as a leverage for its claiming a relief, that the instantly launched acquisition proceedings be declared to become lapsed, on account of non passing of an award within the period of limitation prescribed under Section 11 of the Act of 1894. In other words, the petitioners cannot approbate and reprobate.

45. Consequently, the arguments as made by the learned senior counsel for the petitioner, for thereby its seeking release of petition land(s), thus on the anvil of lapsing provisions, do not carry any vigour, rather are rejected for the reasons detailed hereinabove.

46. Insofar as the plea of lapsing of impugned acquisition proceedings, by dint of Section 24(2) of the Act of 2013 is concerned, the same is halfheartedly raised in the instant petition. Moreover, the said issue is no more *res integra,* as the Hon'ble Supreme Court has already decided this issue in its judgment

rendered in "***Indore Development Authority v. Manoharlal", 2020 AIR (Supreme Court) 1496,*** and, in "***Faizabad-Ayodhya Development Authority, Faizabad V/s Dr. Rajesh Kumar Pandey & Ors.", Civil Appeal No.2915 of 2022.*** Therefore, this issue warrants no further adjudication.

Final Order of this Court.

47. In aftermath, this Court finds no merit in the writ petition, and, with the above observations, the same is hereby dismissed. The impugned order is maintained and affirmed.

48. The pending application(s), if any, is/are also disposed of.