



CWP No.9907 of 2025 (O&M)

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

CWP NO.9907 OF 2025 (O&M)**RESERVED ON: MAY 15, 2025****DATE OF DECISION: MAY 29, 2025****Puma Realtors Private Limited****...Petitioner****Versus****State of Punjab and others****...Respondents**

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present : Mr. Bikramjit Singh Patwalia, Advocate,
for the petitioner.

Mr. Maninder Singh, Addl. AG, Punjab,
For respondent No.1.

Ms. Avin Sandhu, Advocate with
Mr. Maninder Singh, Advocate,
for respondents No.2 to 4.

Mr. Kunal Dawar, Advocate,
for respondent No.5-private builder.

LAPITA BANERJI, J.

Prayer in the present petition filed under Articles 226/227 of the Constitution of India is, *inter-alia*, for quashing of notifications dated May 09, 2013 (Annexure P-10) issued under Section 4 of the Land Acquisition Act, 1894 (for short "1894 Act") along with quashing of declaration dated September 09, 2013 (Annexure P-11) issued under Section 6 of the 1894 Act



CWP No.9907 of 2025 (O&M)

and subsequent proceedings taken thereunder for acquisition of the petitioner's land.

2. The brief facts which led to the present dispute are as follows:

i) The petitioner entered into an agreement on April 03, 2006 (Annexure P-4) with the State of Punjab, Department of Housing and Urban Development for setting up Mega Housing Project in Mohali or Chandigarh Capital periphery area in an area of **300** acres of land.

ii) Thereafter, Change of Land Use (for short "CLU") for developing an integrated township at Mohali over **141.15** acres was granted to the petitioner company on February 19, 2008 (Annexure P-5), upon payment of a sum of Rs.10,04,14,000/- by the State through Chief Town Planner, Punjab.

iii) A supplementary agreement dated June 23, 2017 (Annexure P-12) was entered into between the parties in continuation of the agreement dated April 03, 2006 for setting up of the project over **145.51** acres of land.

iv) Notification under Section 4 dated May 09, 2013 was issued for acquiring **1.981** acres of land situated in village Dhol belonging to the petitioner company out of the said 145.51 acres. The land is situated at Khasra No.5//17 min (0-18), Khasra No.25/1 min (0-13), Khasra No.12/8/1 (1-18), Khasra No.2/2 (5-7), Khasra No.3/1 (5-1), Khasra No.9/2 (2-0), Had-bast No.293.

v) Notification under Section 6 was issued on September 09, 2013 for **1.981** acres of land belonging to the petitioner in village Dhol. Notice under Section 9 of the 1894 Act was issued on July 15, 2024 (Annexure P-8) inviting objections before passing of the Award in respect of **07 kanals 03**



CWP No.9907 of 2025 (O&M)

marlas of land belonging to the petitioner company by the Land Acquisition Collector, out of 1.981 acres. The land under acquisition is a part of 145.51 acres for which CLU has been granted to the petitioner company.

vi) The time for implementation of the housing project was extended from time to time vide office orders dated February 01, 2023, June 05, 2024 and February 20, 2025.

vii) The last extension was given by the Government of Punjab on February 20, 2025 for a period of two years upto December 31, 2025 for an extension fee of Rs.25,000/- per acre, per year.

viii) No challenge to the acquisition proceedings initiated by the government was made by the petitioner company since the publication of the notification under Sections 4 and 6 in 2013.

ix) Admittedly, no objection under Section 5-A of the 1894 Act was preferred by the petitioner company.

x) Some of the land owners challenged the said acquisition proceedings notified vide Section 6 notification dated September 09, 2013 by filing *CWP No.25843 of 2013 “Hargobind Singh and others v. State of Punjab and others”*.

xi) By an interim order, the acquisition proceedings against the writ petitioner were initially stayed. By an interim order dated December 02, 2013, upon issuing of notice of motion, a Co-ordinate Bench of this Court directed the parties to maintain status-quo.

xii) The writ petition was finally disposed of vide judgment dated April 18, 2024 whereby the notifications were upheld and an Award was



CWP No.9907 of 2025 (O&M)

directed to be passed by the Collector concerned in terms of Section 11 of the 1894 Act, within a period of two months from the date of the judgment.

xiii) A Special Leave Petition No. 29099 of 2024 “*Hargobind Singh and others v. State of Punjab and others*” and was filed before the Hon’ble Apex Court. Vide order dated July 29, 2024 a notice was issued only with regard to determination of the compensation. The appeal challenging the acquisition proceedings was not entertained.

xiv) By virtue of order dated July 29, 2024 passed by the Apex Court, the acquisition proceedings qua land measuring 1.981 acres comprising of Khasra No.5//17 min (0-18), Khasra No.25/1 min (0-13), Khasra No.12/8/1 (1-18), Khasra No.2/2 (5-7), Khasra No.3/1 (5-1), Khasra No.9/2 (2-0), attained finality.

3. Mr. Patwalia, learned counsel appearing on behalf of the petitioner submits that the petitioner company went into resolution process in 2018. The resolution plan was accepted by the Learned National Company Law Tribunal (NCLT) on June 01, 2021 and on June 02, 2021, the new management stepped into the shoes of the previous management being the Successful Resolution Applicant. He further submits that, when the notice dated July 15, 2024 under Section 9 of the 1894 Act was issued by the Land Acquisition Collector, the petitioner company learnt about the land acquisition proceedings for the first time.

4. The petitioner vide reply dated August 06, 2024 agitated the fact that by the time the notice under Section 9 was received by them on August 01, 2024, the date for personal hearing fixed on July 31, 2024 had gone by.



CWP No.9907 of 2025 (O&M)

Therefore, the acquisition proceedings had to be stayed and an opportunity of hearing was required to be given to the petitioner company.

5. Mr. Patwalia vehemently argues that knowing fully well that Section 6 notification was issued by the State on September 09, 2013 and such acquisition has been upheld upto the Hon'ble Supreme Court, the State extended the original agreement dated April 03, 2006 vide supplementary agreement dated June 23, 2017 and thereafter granted several extensions upto December 31, 2025 such conduct on the part of the State was arbitrary and in abuse of process of law and the State cannot now be permitted to acquire the land in question. If such an illegal act on the part of the State is allowed, it would cause great prejudice to the petitioner company. The clear mala fide intent on the part of the State is borne out by the fact that the State is seeking to acquire the land in question for another private builder and the same should not be permitted by the Court.

6. Issue Notice.

7. Mr. Maninder Singh, Addl. Advocate General, Punjab, accepts notice on behalf of respondent No.1-State. Ms. Avin Sandhu, Advocate, accepts notice on behalf of respondents No.2 to 4-GMADA. Mr. Kunal Dawar, Advocate accepts notice on behalf of private respondent No.5.

8. It is submitted by learned Counsel appearing on behalf of the State-respondent No.1 that since the acquisition proceedings have attained finality, no grievance relating to the same issue can be entertained. A Co-ordinate Bench of this Court vide judgment dated April 18, 2024, upheld the acquisition proceedings and directed an Award to be passed within two months from the date of the order. Compensation for the land was directed to



CWP No.9907 of 2025 (O&M)

be deposited forthwith before the Collector for release of the same to the land users. Challenge to the acquisition proceedings was dismissed by the Apex Court in SLP No.29099 of 2024 vide order dated July 29, 2024 and the only issue that remained open was with regard to compensation.

9. Learned counsel appearing for respondent-GMADA submits that there was no fault on its part in extending the time to complete the housing project from time to time as GMADA was not aware of the khasra numbers which were under acquisition.

10. Mr. Dawar, learned counsel appearing on behalf of respondent No.5-private builder submits that respondent No.5 is the owner of more than 700 acres in Sector-105 whereas the petitioner's land admeasuring about 07 Kanals 03 Marlas is situated in pockets. The aforesaid 700 acres of land was acquired for developing a township for housing people. There was no mala fide intent on the part of the government to acquire the land for respondent No.5 as parts of 07 Kanals land was situated right in the middle of the proposed project of the respondent No.5. Furthermore, despite extension, the petitioner company has neither started the project nor challenged the acquisition by filing objections under Section 5-A of the 1894 Act.

11. He relies on a judgment of Apex Court "***Delhi Administration v. Gurdip Singh Uban and others***" reported in (2000) 7 SCC 296 to submit that it cannot be now urged on behalf of the petitioner that the land of the objector that is sought to be acquired, is not necessary or in the special fact situation in which the objector is placed, it is a fit case for omitting its land from the acquisition. The only objection that the petitioner could have taken without filing an objection under Section 5-A of the 1894 Act, was that the purpose for



CWP No.9907 of 2025 (O&M)

which the land was acquired was not a public one. Reliance is placed on paragraphs 53 and 54 of the judgment, in support of his contentions, which are reproduced herein below:

“xxx

53. Now objections under Section 5-A, if filed, can relate to the contention that (i) the purpose for which land is being acquired is not a public purpose, (ii) that even if the purpose is a public purpose, (ii) that even if the purpose is a public purpose, the land of the objector is not necessary, in the sense that the public purpose could be served by other land already proposed or some other land to which the objector may refer, or (iii) that in any event, even if this land is necessary for the public purpose, the special fact-situation in which the objector is placed, it is a fit case for omitting his land from the acquisition. Objection (ii) is personal to the land and Objection (iii) is personal to the objector.

54. Now in the (ii) and (iii) types of objections, there is a personal element which has to be pleaded in Section 5-A inquiry and if objections have not been filed, the notification must be conclusive proof that the said person had “waived” all objections which were personal and which he could have raised. However, so far as Objection (i) is concerned, even in case objections are not filed, the affected party can challenge in Court that the purpose was not a public purpose.

Xxx”

12. Mr. Dawar, also relies on a judgment of a Co-ordinate Bench of this Court dated February 03, 2022 “**Desraj and others v. State of Haryana and others**” reported in 2022(4) R.C.R. (Civil) 298 to submit that having not filed objections under Section 5-A of the 1894 Act, the petitioner is estopped by the doctrine of acquiescence from complaining about the violation of its legal rights. Once the vesting takes place, the land owner has no title to assert his claim and being a trespasser he loses the locus to challenge the acquisition proceedings. He also relies on the decision of Supreme Court dated September 25, 1996 “**M/s Star Wire (India) Ltd. v. The State of Haryana and ors.,**”



CWP No.9907 of 2025 (O&M)

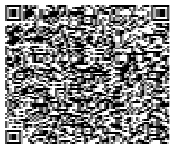
reported in 1996 (11) SCC 698, to submit that notice under Section 4 (1) and Section 6 of the 1894 Act is notice to the world at large and any contract entered into after the publication of notification under Section 4 (1) does not bind the State Government or the beneficiary for whose benefit the land was acquired.

13. This Court has heard learned counsel for the parties and perused the material on record.

14. Undisputed facts are that the Section 4 notification was issued on May 09, 2013 and the Section 6 notification was issued on September 09, 2013. Admittedly, the previous management was the management-in-control of the petitioner company till 2018. Despite the aforesaid fact, no objection was filed under Section 5-A of the 1894 Act.

15. It is trite law that change in management of the company due to Corporate Insolvency Resolution Process (CIRP) cannot be resorted to as a defence for not challenging the acquisition proceedings. No suitable explanation has been provided or no sufficient cause is shown in affidavit dated May 06, 2025 for condonation of delay in filing the writ petition after 12 years from issuance of notifications under Sections 4 and 6 of the 1894 Act in 2013.

16. It is pertinent to note that the acquisition proceedings relating to same notifications have attained finality till the Supreme Court. It is true that the State has been extending the agreement for development of the housing project from time to time. It is also true that the land in question in the present writ petition admeasuring 07 Kanals 03 Marlas is part of 111.76 acres where extension has been granted for completion of the project but the negligence on



CWP No.9907 of 2025 (O&M)

the part of the Chief Administrator, PUDA, SAS Nagar cannot be a ground for setting aside the acquisition proceedings which have attained finality, at such a belated stage. The present writ petition is clearly barred by delay and laches and acquiescence for which the petitioner cannot be granted any relief. .

17. On merits, this Court finds that since the petitioner’s land situated in pockets admeasures only 07 Kanals (approximately) as opposed to 700 acres (approximately) acquired by the State for respondent No.5. Therefore, it cannot be held that the acquisition of the petitioner’s land was either arbitrary or done with mala fide intent for extraneous reasons.

18. In the light of aforesaid discussion, the instant writ petition being CWP No.9907 of 2025, is *dismissed*.

19. Connected applications, if any, are also accordingly disposed of.

(DEEPAK SIBAL)
JUDGE

(LAPITA BANERJI)
JUDGE

MAY 29, 2025
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Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No