



**In the High Court of Punjab and Haryana at Chandigarh**

**CWP No. 25324 of 2024 (O&M)**

**Reserved on: 16.1.2025**

**Date of Decision: 11.2.2025**

Vijay Singh Mann

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR  
HON'BLE MR. JUSTICE VIKAS SURI**

***Argued by:*** Mr. Rajesh K Sheoran, Advocate  
for the petitioner.

Mr. Ankur Mittal, Addl. A.G., Haryana with  
Mr. Pardeep Prakash Chahar, Sr. DAG, Haryana and  
Mr. Saurabh Mago, DAG, Haryana.

Mr. Jayant Puneet Bamal, Advocate for  
Mr. Harmanjot Singh Gill, Advocate  
for respondents No. 2, 3 and 5.

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**SURESHWAR THAKUR, J.**

1. Through the instant writ petition, the petitioner seeks the quashing of the order dated 2.11.2023 (Annexure P-16) passed by respondent No. 2, whereby the espoused NOC qua the land of the petitioner falling in khewat No. 2984/4144, khasra No. 7071/5386/1697 (0B-2B-8B) measuring 16 Biswansi withing the revenue estate of village Gurgaon, rather became rejected, on the ground that possession of the said land vide rapat roznamacha No. 86 dated 5.11.1981, thus is with Haryana Shehri Vikas Pradhikaran (for short 'HSVP').

**Brief facts of the case**

2. It is averred in the instant petition, that the parents of the petitioner purchased the petition lands from one Om Parkash vide sale deed



No. 1128 dated 13.7.2001, and, from one Karan Singh Yadav and Shammi vide sale deeds No. 13268 and 13270 dated 26.3.2001. Subsequently, the parents of the petitioner transferred the said lands in favour of the petitioner vide transfer deeds No. 16007, 16008 and 16009 dated 30.1.2019. It is further averred that earlier the said land was acquired for the development of residential sector of HUDA vide notification issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act of 1894') dated 26.12.1977, which became succeeded by a declaration made under Section 6 of the Act of 1894. In pursuance to the above made notifications, an award became pronounced on 5.11.1981. It is further averred that though, as per the report of the Land Acquisition Collector, Gurgaon, the aforesaid khasra numbers were included in the award but neither the petitioner nor his predecessor(s)-in-interest received the compensation amount.

3. The aforesaid notification was challenged by some of the landowners by filing CWP No 5336 of 1981 before this Court, which on 7.1.1983 became rendered infructuous, as the learned State counsel had suffered a statement that the government has withdrawn the notification (supra). The review petition filed by the State in the said petition became dismissed by this Court on 1.12.1983.

4. After withdrawal of the notification (supra), one Om Parkash Sharma and others land owner entered into a collaboration agreement with M/s Stanford Developers and Infrastructure for construction and development of commercial units, and, the farmers applied for the grant of licence from the Director, Town and Country Planning, thus for construction of group housing colony. The LAC vide his report dated 4.8.2014 stated



licence No 86 dated 16.1.2017 was granted, however, the said licence was cancelled on 23.1.2019. Subsequently Om Parkash and others challenged the notification (supra) and the order dated 23.1.2019, whereby their licence was cancelled, by filing CWP No. 26512 of 2022. Vide order dated 21.12.2022 (Annexure P-6), the said petition was allowed by this Court.

5. It is further averred that the petitioner being the owner of the land, applied for approval of the building plan, approval whereof became granted on 3.8.2020 by the Municipal Corporation concerned. Subsequently, as per the approved building plan, the petitioner constructed a three storey house on the petition land. The petitioner entered into an agreement in the month of April 2021 for the sale of some floor of the said house and the date of execution of sale deed was fixed in the month of July 2021. However, when the petitioner approached the Sub-Registrar concerned, for the execution of the sale deed, he was informed that without NOC from the Land Acquisition Collector concerned, the sale deed could not be executed.

6. Subsequently, when the petitioner approached respondent No. 3 to provide the status of his land, thereupon then he was informed that in view of the letter dated 28.10.2021, the Land Acquisition Collector is not competent to grant NOC and that the case of the petitioner has been sent to the Director, Urban Estates (respondent No. 2). The petitioner waited for the NOC for almost one year, and, when no communication was received from the office of respondent No. 2, the petitioner approached respondent No. 2, on 25.9.2022, whereby the petitioner was assured that the needful will be done shortly. However, despite the assurance given by respondent No. 2,

the espoused NOC was not issued to him. The petitioner sent a



reminder/representation dated 28.10.2022 (Annexure P-14) for the issuance of NOC as he has already entered into an agreement to sell dated 18.4.2022 with one Hari Om and an agreement to sell dated 13.6.2022 with one Surender Singh qua the sale of his flats. However, since owing to non issuance of NOC by respondent No.2, the sale deeds could not be executed on the date fixed, and, since the petitioner had paid the double amounts to the vendees concerned.

7. It is further averred that the petitioner also approached this Court by way of CWP No. 30056 of 2022. The said petition was disposed of by this Court on 31.1.2023 (Annexure P-15) with a direction to respondent No. 2, to decide the petitioner's representation dated 28.10.2022 within a period of six weeks. However, despite the passing of the supra order, respondent No. 2 neither issued the NOC nor have taken a decision on the representation (supra). The petitioner again approached his Court by way of COCP No. 2723 of 2023, and, during the pendency of the said contempt petition, the impugned order (Annexure P-16) became passed by respondent No. 2.

**Submissions on behalf of the learned counsel for the petitioner**

8. The learned counsel for the petitioner submits, that since admittedly the notification dated 26.12.1997 has already been withdrawn, and since to the said effect, a statement had also been made by the learned Advocate General, Haryana before this Court, therefore, it cannot be concluded that the petition land, thus is a part of acquisition, and, that therebys the HSVP could not assume any valid possession over the petition land. He further submits that the neither the petitioner nor his predecessor(s)-in-interest received any compensation, as stated in the



communications dated 11.3.2022 and dated 18.4.2022. Furthermore, the learned counsel submits, that the NOC has not been granted to the petitioner, whereas vis-a-vis the other similarly situated persons, who later on applied for the NOC, rather the same has been granted to them by the respondents concerned. Moreover, he submits that the case of the petitioner is squarely covered by the judgment passed by this Court on 21.12.2022 (Annexure P-6). Resultantly, it is prayed that the impugned order be quashed and set aside.

**Submissions on behalf of respondent-State**

9. The learned State counsel submits, that the claim of the petitioner was examined by the department concerned, and, regarding the claim of the petitioner, legal opinion from the office of Advocate General became obtained. He further submits, that in terms of the opinion rendered by the office of the Advocate General, the claim of the petitioner has been accepted by the competent authority concerned, and, letter bearing No. 7300 dated 13.11.2024 was sent to the office of the Land Acquisition Collector concerned, for the issuance of NOC to the petitioner, whereupon vide memo No. 7320 dated 13.11.2024 NOC became issued by the Land Acquisition Collector concerned. The learned State counsel submits, that the delay in the issuance of NOC to the petitioner was caused owing to adoption of due procedural requirements.

**Submissions on behalf of respondents No. 2, 3 and 5**

10. The learned counsel for respondent No. 2, 3 and 5 submits, that neither the petitioner, nor his predecessor(s)-in-interest were the owners of the land in question. He further submits, that the statement of the learned

Advocate General, as recorded in the order dated 7.1.1983 in CWP No. 5336



of 1981 (Annexure P-3) was made only qua the land of the petitioners in the petition (supra), and, that it was nowhere mentioned therein that the impugned notification rather has been withdrawn qua the entire land. He further submits that though the acquisition notification dated 26.12.1977, thus became quashed in a bunch of writ petitions, however, the same became re-notified, and, thereby the therein covered land became re-acquired vide separate awards dated 6.1.1986, yet the petition lands were not re-notified as acquisition proceedings, as became drawn qua them rather were not challenged either by the petitioner or by his predecessor(s)-in-interest. The learned counsel further submits, that since the predecessor(s)-in-interest of the petitioner rather assumed purported ownership of the petition land in the year 2001 i.e. after thirty years after the passing of the award dated 5.11.1981, thereby the said transaction is illegal, and, confers no right, title and interest in the petitioner or his predecessor(s)-in-interest. Resultantly, the petitioner has no locus standi to seek NOC qua the acquired lands. He further submits that the instant petition is also required to be dismissed on the ground of delay and laches.

**Inferences of this Court**

11. The subject land became respectively purchased on 13.7.2001 and on 26.3.2001, through the respectively drawn sale deed No. 1128 and sale deeds No. 13268 and 13270, whereafter the predecessor(s)-in-interest of the present petitioner transferred the subject land in favour of the petitioner vide transfer deeds No. 16007, 16008 and 16009. The said transfer deeds were executed on 30.1.2009. However, though subsequently the petitioner applied for the relevant sanction before the competent authority concerned on 31.7.2020, and, though the approval to his applied for building plan



became granted on 3.8.2020, whereafter agreements to sell became entered in respect of the construction, as became made on the subject lands by the present petitioner. Nonetheless, the registered deed of conveyance became refused to be accepted for registration by the Sub Registrar concerned, on the ground that since there was no NOC from the Land Acquisition Collector concerned, therebys the sale deeds could not be executed.

12. Therefore, the validity of the refusals, thus by the Land Acquisition Collector, in his not issuing the espoused NOC to the present petitioner, is to be determined.

13. The petitioner appears to groove his argument that all the transfers (supra) were invested with a hue of validity. The said argument appears to become founded on the factum, that since through Annexure P-6, annexure whereof, is a verdict rendered by this Court on 21.12.2022, upon, CWP No. 26512 of 2022, instituted by one Om Parkash and others, wherebys thus the challenge made to the acquisition notification, became allowed rather the petition land(s) becomes covered. Moreover when, though the said granting of relief to the petitioners (supra) became anchored upon the report of the Land Acquisition Collector, that the therein subject lands were not subjected to acquisition, but yet the learned counsel for the petitioner depends upon the said order to the extent-

- (a) that therebys the said judgment also covers the subject land.
- (b) that as such therebys, there was complete withdrawal by the State vis-a-vis the launching of acquisition proceedings.



14. Moreover, the learned counsel for the petitioner also depends upon the verdict rendered by this Court on 7.1.1983 (Annexure P-3), upon, CWP No. 5336 of 1981 on 7.1.1983 (Annexure P-3), thus to contend that since the same became rendered infructuous, given the learned State counsel making a statement, that with the acquisition notification covering even the subject lands but becoming withdrawn, thereby the said withdrawal from acquisition also is applicable to the present land.

15. However, all the supra contentions reared by the learned counsel for the petitioner, though appears to have been accepted by the office of the Advocate General, but the said opinion, as floated by the office of the Advocate General, has been controverted by the respondents concerned, through a plea becoming raised, that the present subject lands became not encompassed within the writ petition (supra), and, as such the benefit of the decision (supra) cannot be endowed to the present petitioner.

16. Consequently, it is argued by the learned counsel for the respondents concerned, that all supra transfers, rather were vitiated transfers, and, no title vested over the subject land(s), thus in any of the alienees under the said transfers. The said reply on affidavit furnished, thus by the respondents concerned, is required to be accepted, as no firm evidence rather for repelling the same has been adduced at the instance of the present petitioner, through his adducing before this Court, any material suggestive, that the earlier withdrawal from acquisition, rather was not confined only to the subject lands covered therein, but also covered, and, encompassed the instant subject lands. In the face of lack of adduction of cogent rebuttal evidence to the supra contentions reared by the respondents concerned,

wherebys they seek the denial of endowments to the present petitioner, the



relief at par with the one which became granted to the writ petitioners in the writ petition (supra), thus leads to a conclusion that, as such the relief which was granted to the petitioners in the petition (supra), was limited to the subject lands therein, and, did not cover the instant subject lands.

**Final order**

17. In aftermath, this Court finds no merit in the instant writ petition and with the observation(s) aforesaid, the same is hereby dismissed. The impugned order (Annexure P-16) is maintained and affirmed.

18. However, in the larger interest of justice, the petitioner is directed to make his appearance before the Land Acquisition Collector concerned, thus with a representation detailing therein that yet the subject lands are covered by the verdict (supra) rendered in the writ petition (supra). On the said representation, a reasoned decision shall be expeditiously passed, but after giving a complete hearing to the present petitioner.

19. The pending application(s), if any, also stand(s) disposed of.

**(SURESHWAR THAKUR)**  
**JUDGE**

**(VIKAS SURI)**  
**JUDGE**

**February 11, 2025**  
**Gurpreet**

**Whether speaking/reasoned : Yes/No**  
**Whether reportable : Yes/No**