

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

**CWP No. 1532 of 2015
Decided on : 21.05.2015**

Karambir Singh and others

. . . Petitioners

Versus

State of Haryana and others

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE REKHA MITTAL**

PRESENT: Mr. P.R. Yadav, Advocate for
Mr. Ashok Kumar Khubbar, Advocate
for the petitioners.

Mr. Sudeep Mahajan, Addl. AG, Haryana.

AJAY KUMAR MITTAL, J. (Oral)

The petitioners have approached this Court under Articles 226/227 of the Constitution, seeking a writ in the nature of *Certiorari* for quashing the notification dated 12.10.2011 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (for brevity 'the Act') followed by notification dated 22.06.2012 (Annexure P-2) issued under Section 6 of the Act, on the ground that no award had been passed and in view of Section 11A of the Act the acquisition proceedings have lapsed.

2. Upon notice of motion having been issued, written statement on behalf of respondents No.1 to 3 has been filed, wherein, as per Annexure R-I, appended along with the written statement, it has been stated that as per decision taken in the review meeting held on 18.03.2013 regarding widening/construction of Yamuna Nagar – Ladwa Section on the PPP mode, the project is to be shelved. The preliminary submissions made in the

written statement are as thus:

*“1. That it is submitted that land of the petitioners was proposed to be acquired and a notification under section 4 of the Land Acquisition Act was issued on dated 12.10.2011 for acquisition of land at public expense for the purpose of construction of four laning of Yamuna Nagar-Ladwa-Karnal Road Section of State Highway no.6 and State Highway no.7 and Toll Plaza. Thereafter notification under Section 6 of the Land Acquisition Act was also issued on dated 22.06.2012 for acquisition of land of petitioners measuring 3 Kanal 6 Marlas bearing Khasra no. 1008. After issuance of the aforesaid notifications, a letter bearing memo no.793-795/BOT dated 7.6.2013 was received from the Executive Engineer (Roads-II) on behalf of Engineer in Chief, Haryana, PWD B&R Branch, Chandigarh by virtue of which it was informed that as per the decision taken in the review meeting held on 18.3.2013, under the Chairmanship of Hon'ble Chief Minister regarding widening/construction of Yamuna Nagar-Ladwa Section on the public Private Partnership mode, the project is to be shelved. The true typed copy of the letter is enclosed herewith as **Annexure R-1**. The government vide note dated 30.06.2014 has further ordered the department to give clear recommendation keeping in view the availability of budget and desirability of taking of this road on DBFOT basis. The true typed copy of the letter is enclosed herewith as **Annexure R-2**. As such the notifications under section 4 and 6 of the Land Acquisition Act, became redundant. So far as the entry regarding the acquisition of the land of the petitioners made in the revenue record i.e. Jamabandi etc. is concerned, necessary action in this regard was to be taken by the respondent no.4 and the copy of the decision taken by the Government have also been informed to the respondent no.4. As such the present writ petition has got no force or merits and deserves to be dismissed.”*

3. Learned counsel for the petitioners states that he has not been able to verify the aforesaid fact.

4. However, in view of the above, the present writ petition is disposed of as infructuous. It shall, however, be open to the petitioners to move an application for revival of the writ petition, in case something survives therein.

(AJAY KUMAR MITTAL)
JUDGE

(REKHA MITTAL)
JUDGE

May 21, 2015
J.Ram