

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

CWP No.18531 of 2015(O&M)

Date of decision: 03.09.2015

Prahlad Singh Saini and others

....Petitioners

VERSUS

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Mr. Kunal Kukreja, Advocate for the petitioners.

HEMANT GUPTA, J. (ORAL)

The petitioners have invoked the writ jurisdiction of this Court, inter alia, on the ground that the land acquired for a public purpose vide notification dated 04.04.1998 is unutilized. Therefore, such unutilized land should be returned to the petitioners.

The acquisition in question was under the Land Acquisition Act, 1894 (for short 'the Act'). In terms of the provisions of the aforesaid Act, the land vests free from all encumbrances on payment of compensation. Even if some of the land has not been utilized for the stated public purpose, the State continues to be owner thereof.

A Division Bench of this Court in CWP No. 17979 of 2011 titled Jagtar Singh and others vs. State of Punjab and others, decided on

09.02.2012, has examined a similar argument in respect of the land situated at Faridkot. While considering the judgments of Hon'ble the Supreme Court reported as Gulam Mustafa and ors vs. The State of Maharashtra and ors, AIR 1977 SC 448; Mangal Oram and ors vs. State of Orissa and another, AIR 1977 SC 1456; State of Maharashtra vs. Mahadeo Deoman Rai @ Kalal and ors, (1990) 3 SCC 579 and Union of India and ors vs. Jaswant Rai Kochhar and ors, (1996) 3 SCC 491, the Bench returned a finding that the land cannot be returned to the owners only for the reason that the public purpose as stated in the notification has been changed. The relevant extract from the judgments is as under:

“In view of the aforesaid judgments, though the land was not acquired under the provisions of the Act, but still applying the principles of acquisition under the Act, the public purpose for which the land is acquired can always be changed to another public purpose by the State Government for optimum utilization of the land. The requirements of the community keep on varying. The schemes can be varied to meet the changing needs of the public.”

In view of the above, we do not find any merit in the present writ petition. Consequently, the same is dismissed.

(HEMANT GUPTA)
JUDGE

SEPTEMBER 3, 2015
‘D. Gulati’

(RAJ RAHUL GARG)
JUDGE