

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

**CWP No. 22549 of 2011
Decided on : 25.04.2016**

Saudagar Ali and others

... Petitioners

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE DARSHAN SINGH**

PRESENT: Mr. Naresh Kaushal, Advocate
for the petitioners.

Ms. Sudeepti Sharma, DAG, Punjab.

Mr. R.S. Khosla, Sr. Advocate with
Mr. K.S. Mamrat, Advocate
for respondent-GMADA.

AJAY KUMAR MITTAL, J. (Oral)

The petitioners have approached this Court under Articles 226/227 of the Constitution of India, seeking quashing of notifications dated 22.12.2010 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (in short 'the Act') and dated 25.08.2011 (Annexure P-4) of the Act. A prayer has also been made that the respondents be directed to release the residential houses, flats and shops of the petitioners, situated in village Manauli, Tehsil & District Mohali from the acquisition proceedings.

2. During the pendency of the writ petition, the respondents have filed an additional affidavit dated 5th April, 2016 of Ms. Rajdeep Kaur, Estate Officer, GMADA, PUDA Bhawan, Sector 62, SAS Nagar, on behalf of respondent No.2, wherein, in Para 4, it has been stated that the houses of the petitioners falling in village Manauli are being taken out of the purview

of the acquisition proceedings, as these houses are situated in the colony and in terms of the decision of the Government taken on 19.09.2015, the same are being exempted. Para 4 of the aforesaid affidavit reads thus:-

“4. That so far as the houses of the petitioners of CWP No. 22549 of 2011 (Saudagar Ali and others Versus State of Punjab) falling in Village Manauli, are concerned, it is intimated that these houses are situated in a colony and as per the decision taken at the level of the Government on 19.9.2015, the constructed portion of the said colony, where these houses are situated, has been decided to be exempted at the site from planning perspective and now the matter is being referred by the Land Acquisition Collector to the Government for de-notification of the structures/houses of these petitioners.”

3. It was stated by learned counsel for the petitioners that in view thereof, the present writ petition has been rendered infructuous and may be disposed of as such. However, liberty be granted to the petitioners to file an application for revival of the writ petition in case the respondents failed to act in terms of Para 4 of the aforesaid affidavit or no action is taken by the Government to release the land of the petitioners as per the averments made in Para 4 of the additional affidavit of respondent No.2.

4. Ordered accordingly.

(AJAY KUMAR MITTAL)
JUDGE

(DARSHAN SINGH)
JUDGE

April 25, 2016
J.Ram