

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

**Date of decision : 25.02.2016.
CWP No.9520 of 2014 (O&M)**

Balwan Singh and others

.....Petitioners

Versus

State of Haryana and others

..... Respondents

2nd

CWP No.5266 of 2015 (O&M)

Balwan Singh Gulia

.....Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI**

Present : Mr. Amit Sheoran, Advocate for the petitioners.

Mr. Rahul Dev Singh, Deputy Advocate General, Haryana
for respondents No.1 and 2.

Mr. Amar Vivek, Addl. Advocate General, Haryana
for respondent No.3.

Mr. Rajesh Hooda, Advocate for
Mr. Kamal Sehgal, Advocate for respondent No.4.

Mr. Aashish Chpora, Advocate with
Ms. Sonia Madaan, Advocate for respondent No.5.

S.J.VAZIFDAR, ACTING CHIEF JUSTICE (ORAL):

A similar question arises in both the petitions. We accordingly
dispose of both the petitions by a common order and judgment.

2. The petitioners have sought the following relief:-

i) “this Hon'ble Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction calling for the records and issuance of mandamus directing the respondents to restore back the land which has been illegally acquired through the private negotiations with land owners under the garb of SEZ act of 2005 to the original position and to declare the entire transaction including sale, lease, mutation being illegal, fraudulent, arbitrary, discriminatory on account of non compliance of the obligation like Rehabilitation and Resettlement Policy of 2007 or 2010 issued by Haryana Government and other benefits as agreed by the respondents and further being violative of Article 14, 21 and 300A of the Constitution of India.

(iii) This Hon'ble Court may please be issue an appropriate writ, order or direction under Articles 226-227 of the Constitution of India commanding and directing respondents No.1 to 3 to cancel and/or revoke all other approval, permission and action taken in the matter related to the land purchased by Reliance-Respondent No.5 in district Jhajjar in pursuance thereof.”

The petitioners have also sought an order directing an investigation into the matter.

3. The petitioners owned the land in district Jhajjar, Haryana. They admittedly sold their land to respondent No.5, now known as Model Economic Township Limited. The learned counsel appearing on behalf of the petitioners rightly admitted that it would be difficult to maintain a writ petition for the reliefs sought. The petitioners admittedly entered into an

agreement in the year 2006-07. They do not deny the agreement. Their grievance is that the value of the land has appreciated over the years and the 5th respondent has not put the land to the use for which it had acquired the same.

Even assuming that respondent No.5, had given the petitioners an impression that they were desirous of acquiring the land to put up a SEZ, it would make no difference. In fact, there were no proceedings under the Land Acquisition Act in respect of the land in question. The land was sold pursuant to private negotiations. Having purchased the land, respondent No.5 was entitled to put it to such use as it desired.

4. It was contended that the petitioners were mislead into selling the land to respondent No.5. For instance, it is contended that respondent No.5, represented that if the petitioners did not sell their land to them the government would have acquired it at a rate far lower than what they were offering for the same. As rightly conceded on behalf of the petitioners, it would be difficult to consider these allegations in this writ petition. These are obviously seriously disputed questions of fact. For instance, respondent No.5, contends that it had paid an amount far higher than the prevalent market rate. Whether the recital in the agreement to this effect is correct or not and whether the petitioners were aware of the purport and effect of the agreement are also disputed questions of fact which must be decided in appropriate proceedings.

5. The petition is accordingly disposed of. The petitioners are always at liberty to adopt appropriate proceedings in respect of their claims,

if any. Needless to add that the observations made herein shall not be construed as an expression of opinion either way on the merits of the rival contentions.

(S.J.VAZIFDAR)
ACTING CHIEF JUSTICE

25.2.2016

Manoj Bhutani

(ARUN PALLI)
JUDGE