

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

CWP No. 23710 of 2017 (O&M)

Date of decision: 7.12.2017

Sunil and others

.. Petitioners

VS

State of Haryana and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Gurvinder Singh Gill**

Present: None for the petitioners.

Rajesh Bindal, J.

The petitioners, whose land was sought to be acquired for the purpose of development as residential and commercial Sector-58, Sonapat, have filed the present petition challenging the agreement to sell dated 15.9.2004 entered into between the petitioners and respondent No.5, a builder. Challenge has also been made to various sale-deeds executed by the petitioners in favour of the vendee. Notification under Section 4 of the Land Acquisition Act, 1894 (for short "the Act") was issued on 29.11.2001, which was followed by notification under Section 6 of the Act on 28.11.2002. Though the land of the petitioners was notified in both the notifications, however, finally no award was passed pertaining to the land owned by the petitioners as they sold the same to the builder.

Challenge in the present writ petition, which has been filed on 11.10.2017, is to the agreement to sell and the sale-deeds executed in the years 2004 to 2005. As land owned by the petitioners was not acquired,

hence there is serious doubt about the maintainability of the writ petition. For challenging agreement to sell and the sale-deeds being *inter se* between two private parties, the remedies may be elsewhere especially when the plea of fraud is sought to be alleged.

Considering the fact that the land owned by the petitioners was not acquired and the dispute in the present case is only with reference to agreement to sell entered into between the petitioners and a private person and the sale-deeds executed as a consequence thereof, *prima facie*, we do not find that any ground is made out to entertain the writ petition.

However, as none has appeared for the petitioners, the writ petition is dismissed for non-prosecution.

(Rajesh Bindal)
Judge

7.12.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No