

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CWP-10640-2011
Date of Decision: August 23, 2018

Ajaib Kaur and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

2. CWP-16403-2011

Jeet Singh Kular and another

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.G.S.Punia, Sr.Advocate with
Ms.Jagriti Kalia, Advocate for the petitioners.

Mr.Sandeep Virmani, Addl.AG, Punjab.
Mr.Rupinder Khosla, Sr.Advocate with
Mr.Sarvesh Malik, Advocate for GLADA.
Mr.Sanjeev Sharma, Sr.Advocate with
Mr.Aashish Chopra and Ms.Rupa Pathania, Advocate
for VAR Realtor.
Ms.Mehak Sawhney, Advocate for
Mr.Vinod S.Bhardwaj, Advocate for respondent No.3 in CWP-
10640 of 2011.

.....

SURYA KANT, J.(ORAL)

This order shall dispose of the above captioned writ petitions as
the point in issue involved in both the cases is common in nature. For the
sake of convenience, the facts are being extracted from CWP-10640-2011.

03.11.2009 and 29.04.2010 issued under Sections 4&6 of the Land Acquisition Act, 1894 (for brevity,'the 1894 Act'), whereby their land is sought to be acquired for a private company, namely, respondent No.3 in terms of the Industrial Policy, 2003. Land of the petitioners under acquisition is 1.8 acres situated within the revenue estate of village Dewatwal, Tehsil and District Ludhiana. The acquisition was for a Group Housing Mega Residential Project to be developed by the third respondent.

[3] This Court vide order dated 03.11.2016 directed the parties to maintain status quo and also made the following observations:-

“CWP-10640-2011 & 16403-2011

Counsel for the petitioners refers to the miscellaneous application for placing on record the communication said to have been sent by Ireo Water Front Private Limited saying that it does not require the petitioners' land for its project.

Learned counsel for the Company also states at the Bar that the land approximately measuring 1.8 acres is not needed though the Company has deposited the compensation amount in respect thereto with the Land Acquisition Collector.

Since the land has been acquired for the above named private Company and it does not require part of the acquired land, referred to above, there appears to be no impediment for the release of such land.

Mr.Rupinder Khosla, learned senior counsel for GMADA seeks time to have instructions in this regard.”

[4] Learned counsel for the petitioners submits that the statement made on behalf of respondent No.3 on 03.11.2016 is factually correct as the petitioners' land is not required for completion of the Project in question.

[5] It is not discernible from the written statement filed by State of

Punjab that the land of the petitioners is required for a 'Public Purpose' other than the Project of the private builder, namely, respondent No.3. In such a situation where respondent No.3 does not want the land and the State Government has no other visible 'public purpose' to utilise the acquired land, we deem it appropriate to dispose of the petition with a direction to the Secretary, Housing and Urban Development Department to reconsider the whole matter and if it is found that the land of the petitioners is neither required by respondent No.3-Company nor by the State Government for any 'public purpose', let an appropriate order for the release of the said land be passed within a period of four months from the date of receipt of a certified copy of this order. Till such time the parties shall continue to maintain status quo.

**(SURYA KANT)
JUDGE**

August 23, 2018
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**(SUDIP AHLUWALIA)
JUDGE**

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |