

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

CWP No. 6655 of 2018 (O&M)

Date of decision: 1.8.2018

Dharam @ Dharamvir and others

.. Petitioners

VS

The State of Haryana and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Amit Rawal**

Present: Mr. Rupinder Khosla, Senior Advocate with
Mr. Sarvesh Malik, Advocate, for the petitioners.

Mr. Ankur Mittal, Additional Advocate General, Haryana and
Mr. Manoj Dhankhar, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

The petitioners, whose land was sought to be acquired for the purpose of development as residential sectors 58 to 63 and residential commercial Sectors 65 to 67, Gurgaon (now Gurugram), have filed the present petition challenging the agreements to sell dated 1.4.2009 and 4.5.2010 entered into between the petitioners and respondent No.4, 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 2.6.2009, which was followed by notification under Section 6 of the Act on 2.6.2010. 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 9.3.2018, is to the agreements to sell and the sale-deeds executed in the years 2009 and 2010. As land owned by the petitioners was not acquired, hence there is serious doubt about the maintainability of the writ petition. For challenging agreements 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 agreements to sell entered into between the petitioners and a private person and the sale-deeds executed as a consequence thereof, we do not find that any ground is made out to entertain the writ petition.

The writ petition is accordingly dismissed.

(Rajesh Bindal)
Judge

1.8.2018
vs

(Amit Rawal)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No