

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

CM-6378-CWP-2020
RA-CW-150-2020 (O&M) in
CWP-22649-2011
Date of decision : October 16, 2020

Inderjeet Singh

... Applicant-Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr. Satish Kumar Saini, Attorney of the petitioner in person.

Mr. Sahil Sharma, Dy. Advocate General, Punjab.

Mr. Rupinder Khosla Sr. Advocate with
Mr. Sarvesh Malik, Advocate for respondent No.2 - GMADA.

Dr. Puneet Kaur Sekhon, Advocate for respondent No.4.

HARINDER SINGH SIDHU, J.

CM-6378-2020 :

This application has been filed seeking condonation of delay of 951 days in filing the review petition.

The petitioner is seeking review of the judgment dated 07.07.2017 whereby the writ petition filed by him was dismissed.

Vide the said judgment two writ petitions i.e. CWP No.22649 of 2011 (Inderjeet Singh Vs. State of Punjab)- filed by the review applicant and CWP No.22729 of 2011 Mrs.Prem Suri Vs. State of Punjab and ors were disposed of.

The challenge in the writ petitions was to the notifications dated 06.04.2011 and 28.11.2011 issued under Sections 4 and 6 respectively of the Land Acquisition Act, whereby, the land of the petitioners on which they had constructed their residential houses was sought to be acquired. The acquisition was for the purpose of “setting up of Medicity (Health Facility) in village Mullanpur”

The acquisition was challenged primarily on three grounds:

- (i) procedural flaws in the acquisition
- (ii) discrimination in release of some land.
- (iii) the acquisition of the land of the petitioners was not absolutely necessary as their construction did not disturb the Medicity scheme.

All the contentions were negated and the petitions were dismissed.

However, it was directed that the respondents would remain bound by the offer of allotment of alternative plot/site to the petitioners as per the Relocation Policy of the State and the offer in the Additional Affidavit dated 06.09.2015 filed during the proceedings the details whereof find mention in the judgment. The option was with the petitioners to avail of either. It was also directed that the petitioners would not be dispossessed from their residences at least for a period of six months after they had been provided the alternative sites.

In this application for condonation of delay it has been stated that in the last week of May, 2020 the review applicant got to know that respondent No.2 – Greater Mohali Area Development Authority (GMADA)

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had obtained the judgement by playing fraud and concealing material facts from the Court in its affidavit dated 11.07.2012 and additional affidavit 16.09.2015 filed in Court. It is stated that as per information obtained by the review applicant on 25.06.2020 under the Right to Information Act, respondent No.2 had approved the original layout/ Master Plan on 05.12.2014 and the same was subsequently revised on 01.04.2015 but the said information was not disclosed by the respondent in its afore-stated affidavits. It is his case that in the aforesaid layout plan/ revised plan the area owned by the review- applicant stands in the portion depicted as “Reserved for future planning” and not within the proposed Hospital and Medical Research Institute as was wrongly projected by respondent No.2.

The petition was dismissed on the premise that the area owned by the petitioner would defeat the purpose of proper planning of the Medicity and disturb the entire pocket kept reserved for the Hospital and Medical Research Institutes which is not the case in the light of the lay out plan and the revised lay out plan.

In the reply filed by respondent No.2 to this application it has been stated that the review application is an abuse of the process of law and has been filed solely to delay the taking over of possession of the land of the petitioner even after he has availed all the benefits like compensation, alternate land etc. It is stated that after judgment was delivered on 07.07.2017, the petitioner applied for payment of compensation for acquired structures/house on 27.04.2018 and for the acquired land on 11.06.2018. An amount of Rs.1,38,48,350/- has been paid to him qua structures/house on 18.05.2018 and an amount of Rs.1,07,82,870/- has been paid qua his

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acquired land on 15.05.2019.

Thereafter, on 06.01.2020, petitioner was issued allotment letter of an alternate residential Plot No.5049 measuring 400 sq. yards in Eco- City under Relocation Policy, in consonance with affidavit dated 16.9.2015 as well as judgment dated 07.07.2017. The petitioner availed the offer and has already raised construction on the alternate plot allotted to him. He has applied for issuance of the completion certificate on 16.09.2020. He has also filed application under Section 18 of the Land Acquisition Act for enhancement of compensation.

It is further stated that as per judgment dated 07.07.2017, the petitioner was not to be dispossessed from his residence for at least 6 months after allotment of alternative site. Thus, he is liable to be dispossessed after 06.07.2020. He has filed the review application dated 29.06.2020 after a delay of 951 days solely with a view to delay the handing over of possession by him.

Having heard Ld. Counsel for the parties we find no justification to condone the delay in filing the review-application.

The original layout/ Master Plan is dated 05.12.2014 and the revised lay out plan is dated 01.04.2015. The judgment was pronounced on 7.07.2017. There is no explanation as to why the petitioner did not seek the relevant information under RTI during the pendency of the petition as the issue that the structures of the petitioner would disturb the planning of the Medicity and Hospital was one of the issues raised in the petition.

Further, there is no explanation as to why the petitioner sought information under the RTI only on 29.05.2020 after he had accepted the

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compensation, the offer of the alternative plot and nearly completed construction thereon.

In view of the above we find no justification to condone the delay in filing the review application. The same is dismissed.

RA-CW-150-2020 :

Consequent on the dismissal of the application for condonation of delay, this application is also dismissed.

CM-6437-CWP-2020 :

We also find no justification to proceed with the application under Section 340 Cr.P.C filed by the review- applicant. The same is also dismissed.

(JASWANT SINGH)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

October 16, 2020

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