IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

104-1 **CWP No. 20068 of 2020**
Date of Decision: 26th November, 2020.

Rajinder Kumar Kamboj @ Roshan Lal

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

*****

104-2 CWP No. 20083 of 2020

Sanjeev Kumar

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

*****

104-3 CWP No. 20084 of 2020

Darshan Singh (Since Deceased) through his LRs

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-4 CWP No. 20085 of 2020

Dharam Vir

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-5 CWP No. 20086 of 2020

Raj Bir Kamboj

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-6 CWP No. 20087 of 2020

Nirmal Singh (Since Deceased) through his LR

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-7 CWP No. 20088 of 2020

Naresh Kumar Kamboj

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-8 CWP No. 20089 of 2020

Dhoom Singh

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-9 CWP No. 20090 of 2020

Gurmail Singh

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-10 CWP No. 20091 of 2020

Nachhattar Pal

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-11 CWP No. 20092 of 2020

Sheo Pal

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-12 CWP No. 20094 of 2020

Randhir

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-13 CWP No. 20095 of 2020

Devinder Kumar

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-14 CWP No. 20096 of 2020

Mein Pal

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-15 CWP No. 20097 of 2020

Lachman Dass

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-16 CWP No. 20098 of 2020

Ved Pal

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-17 CWP No. 20099 of 2020

Ishwar Kumar

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-18 CWP No. 20100 of 2020

Soma Devi

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-19 CWP No. 20101 of 2020

Jasmer Singh

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-20 CWP No. 20102 of 2020

Naresh Kumar

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-21 CWP No. 20103 of 2020

Darshani Devi

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-22 CWP No. 20104 of 2020

Parveen Kumar

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-23 CWP No. 20105 of 2020

Manoj Kumar

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-24 CWP No. 20107 of 2020

Raj Kumar Kamboj

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-25 CWP No. 20108 of 2020

Vishal Garg

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-26 CWP No. 20109 of 2020

Gurdeep Singh

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-27 CWP No. 20110 of 2020

Satpal

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-28 CWP No. 20111 of 2020

Pritpal

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-29 CWP No. 20112 of 2020

Pardeep Singh

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-30 CWP No. 20113 of 2020

Mahipal

…..Petitioner

Versus

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…..Respondents.

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104-31 CWP No. 20115 of 2020

Ranjit Singh

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-32 CWP No. 20117 of 2020

Anil Kumar

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

*****

104-33 CWP No. 20118 of 2020

Shiv Dass Garg (Since Deceased) through his LRs

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-34 CWP No. 20119 of 2020

Ajmer Singh

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-35 CWP No. 20128 of 2020

Birbal

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-36 CWP No. 20129 of 2020

Anil Kumar

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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104-37 CWP No. 20176 of 2020

Subhash Chand

…..Petitioner

Versus

State of Haryana and others

…..Respondents.

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CORAM: JUSTICE S. MURALIDHAR
JUSTICE AVNEESH JHINGAN

Present: Mr. Avnish Mittal, Advocate for the Petitioner (s).

Mr. Ankur Mittal, Additional Advocate General, Haryana with Ms. Kushaldeep K. Manchanda, Advocate for HSIIDC.

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Dr. S. Muralidhar, J.

1. This batch of 37 writ petitions arises out of a common set of facts and involves an identical issue concerning the price at which plots have been allotted to each of the Petitioners by the Respondent No. 2 i.e. Haryana State Industrial Infrastructure Development Corporation Limited ('HSIIDC') pursuant to the Rehabilitation and Resettlement Policy, 2007 (hereinafter, 'R&R Policy') notified by the Government of Haryana (Respondent No. 1).

2. Since Mr. Ankur Mittal, learned Additional Advocate General, Haryana has appeared for the Respondents on advance notice, with the consent of learned counsel for the parties, the writ petitions have been taken up for final disposal at this stage itself.

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3. Illustratively, the averments in the lead writ petition i.e. CWP No. 20068 of 2020, are discussed hereafter in some detail. The Petitioner therein is stated to be the owner of land which stood acquired by a notification dated 11th July, 2007 issued under Section 4 of the Land Acquisition Act, 1894 ('LAA') followed by an Award dated 10th July, 2009.

4. In terms of the aforementioned R&R Policy, the Petitioner submitted an application on 3rd December, 2013. It is stated that thereafter an allotment letter was issued to the Petitioner and that in terms thereof, "the price of the plot so allotted was fixed at Rs. 1800/- per square metre". It is further stated that the allotment letter required the Petitioner to deposit 10% of the total stipulated amount within 30 days, after which a letter of intent would be issued. The Petitioner states that he deposited the amount stipulated in the allotment letter within the aforesaid period and was awaiting further course of action.

5. In the meanwhile, by an order dated 20th April, 2015 of the Additional District Judge (ADJ), Yamuna Nagar at Jagadhari in the reference petitions filed under Section 18 LAA by the Petitioner and other similarly situated land owners, the compensation awarded for the acquired land stood increased. As it transpired later, there was a further enhancement of the compensation by this Court.

6. It is stated that when in terms of the R&R Policy, a letter of intent was not issued to the Petitioner by the HSIIDC, the Petitioner and other similarly aggrieved persons filed writ petitions (CWP No. 8551 of 2014 and batch) in this Court. In its order dated 12th August, 2015 disposing of the said writ petitions, this Court noted that during the pendency of the said writ petitions, the grievance of the Petitioners stood redressed since they were informed of their entitlement for allotment in terms of R&R Policy. The Court further noted in the said order as under:

> "Further it is contended by Respondents No.2 & 3 that the plots when allotted will be for mixed use i.e. residential and commercial. Their main grievance therefore stands redressed. The draw of plots is to take place and in respect thereof, there is no dispute. The only thing left is that the area in which the plots are to be allotted is to be developed. Respondents No.1 & 3 state that the area is being developed and that the development would

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> take place in due course. The Petitioners are at liberty to approach Respondents No.2 & 3 as and when necessary to ensure the development thereof."

7. Thereafter, on 27th October, 2020, a letter was sent to the Petitioner by the HSIIDC stating *inter alia* as under:

> "You have already deposited the amount of Rs. 63,728/- as 10% of plot cost, demanded by the corporation. Meanwhile, as per judgment of Hon'ble High Court the Enhancement came out to be cost Rs. 3543.84 Sq mtr. So, the current rate is (Rs. 3550/- plus Rs. 1800/-) equal to Rs. 5350/- per sq mtr."

8. The above letter further asked the Petitioner to remit the balance 10% of the tentative price by a bank draft drawn in favour of the HSIIDC within 15 days.

9. In each of the 36 other petitions in this batch, identically worded letters dated 27th October, 2020 came to be issued by the HSIIDC. It is on receipt of the aforementioned letters that the present petitions have been filed, seeking the quashing of the said letter and praying that an appropriate direction be issued to the HSIIDC to issue a letter of intent and allow the Petitioners to deposit the remaining allotment amount calculated by fixing the price of the plot at Rs. 1800/- per square meter.

10. Mr. Avnish Mittal, learned Counsel for the Petitioners, first referred to para 4 of the R&R Policy, which is titled "Pricing of Plots" and reads as under:

> "4. Pricing of Plots:
> The rates of residential plots reserved for allotment to land oustees, would be as applicable at the time of inviting claim applications by the Corporation."

11. It is submitted by Mr. Avnish Mittal that since the price at the time that the HSIIDC invited applications was Rs. 1800/- per square meter, it was not subsequently open to the HSIIDC to arbitrarily increase the price of the plot. He further submitted that although the Court of the learned ADJ by the judgment dated 20th April 2015 enhanced the compensation, there was no increased demand raised by the HSIIDC from the present Petitioners. It is, accordingly, submitted that such increased demand made 7 years after the initial allotment was unjust, arbitrary and illegal.

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12. Mr. Ankur Mittal, learned Additional Advocate General, Haryana appearing for the Respondents, on the other hand, drew the attention of the Court to clause 5 (x) of the R&R Policy, which reads as under:

> "5. Payment Terms:
> (x) The price of the plot is tentative and any additional price as a consequence of enhancement in compensation awarded by the Court(s) shall also be payable by the allottee in lump sum within 60 days from the date of issue of demand notice by the Corporation or in six half yearly equal installments carrying interest @ 15% p.a., compounded annually, on the amount in default for the period of default shall be payable. In the event of non-payment of such enhanced compensation within the stipulated period, the plot shall be liable for resumption."

13. Mr. Ankur Mittal then referred to the impugned letter dated 27th October, 2020, where the reason for the increase in the rate was clearly explained. He contended that the enhancement became necessary as a result of the enhanced compensation awarded to the Petitioners for acquisition of their land. He accordingly submitted that there was no illegality attaching to the impugned letter.

14. The above submissions have been considered. The Court, to begin with, notes that clause 3 (x) of the R&R Policy makes it clear that the requirement for deposit of 10% is of the "tentative price of the plot". Even clause 5 (i) which sets out the "Payment Terms" uses the expression "tentative price of the plot". The same expression is used in clauses 5 (ii) to (iv). Although clause 4 of the R&R Policy states that the rates would be as are applicable at the time of inviting claims, this clause has to be read along with other clauses of the R&R Policy. It is clear, from a collective reading of the clauses, that the price indicated at the time of allotment of the plot is 'tentative'. Clause 5 (x), in particular, makes it explicit that the price of plot is tentative and that additional price would be payable as a consequence of enhanced compensation awarded by the Courts.

15. It may be noted here that it is these very land owners i.e. the Petitioners who are the beneficiaries of the enhanced compensation awarded by the Courts. They should, therefore, not be taken by surprise if enhancement

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in such compensation results in a corresponding increase in the price of the plot allotted to each of them, in view of clause 5 (x) of the R&R Policy, which the Petitioners were obviously aware of when they submitted their claim applications. The R&R Policy was notified way back on 7th December 2007 and the allotment of plots in favour of the Petitioners took place in 2013. Having accepted the allotment, it is not open to the Petitioners 7 years thereafter, to protest about the increased price, which the R&R Policy explicitly envisages.

16. The Court finds that the demand raised for the additional price by the impugned letters dated 27th October, 2020 is perfectly in consonance with the R&R Policy, under which the allotments of the plots have been made. In other words, there is nothing illegal or arbitrary about the demand for the enhanced price of the plots allotted to each of the Petitioners under the R&R Policy.

17. For all the aforementioned reasons, the Court concludes that there is no merit in any of these writ petitions. They are accordingly dismissed, but in the circumstances, with the no order as to costs.

18. A copy of this order be placed in the files of the connected petitions.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

26th November, 2020
Sachin M.

Whether speaking/reasoned Yes/No
Whether reportable Yes/No

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