

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.37018 of 2019
Date of Decision: 21.01.2020

Gurnek Singh and othersPetitioners

Versus

The State of Haryana and othersRespondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. H.S.Kamboj, Advocate,
for Mr. S.S.Kamboj, Advocate,
for the petitioners.

KARAMJIT SINGH, J.

This Civil Writ Petition is filed by the petitioners for issuance of an appropriate writ in the nature of certiorari for quashing of impugned order dated 01.06.2018 (Annexure P-13) passed by respondent No.3 (The Land Acquisition Collector Urban Estate, Panchkula), to the extent only whereby, making an entry in the revenue record of released land in favour of the petitioners, as per order dated 18.01.2018 passed by this Court in CWP No.25971 of 2017 (Annexure P-12), has been declined with further direction to the respondents to make the necessary entry in the revenue record, as per aforesaid order dated 18.01.2018.

The case of the petitioners is that they purchased the land in question measuring 20 Biswas, vide registered sale deed No.617 and 618 dated 09.10.2003. The State of Haryana sought to acquire a big chunk of land, vide notification dated 30.06.2006, under Section 4 of the Land Acquisition Act.

The objections raised by the petitioners and other land owners were rejected

without giving any reason. Notification (Annexure P-4) under Section 6 of the Land Acquisition Act was issued on 28.11.2007 and finally award was passed on 26.11.2009. Some of the land owners challenged the aforesaid notification but their writ petition was dismissed. The appeal filed against the said order was allowed by the Hon'ble Apex Court in Civil Appeal Nos.6668 and 6669 of 2013, vide order dated 07.08.2013 (Annexure P-5), and the land of the said land owners was ordered to be released. The land of the petitioners, which was also acquired, in the same process, has not been released till date, rather, the same has been transferred to some other private persons. The petitioners earlier filed Civil Writ Petition No.25971 of 2017, which was decided in their favour on 18.01.2018. The directions given in the said writ petition were not complied by the respondents while passing impugned order dated 01.06.2018 (Annexure P-13). Hence, this writ petition has been filed.

We have heard learned counsel for the petitioners and also gone through the record.

Learned counsel for the petitioners has relied upon order dated 07.08.2013 (Annexure P-5) of the Hon'ble Apex Court. It is contended that some other land owners, namely, Gian Chand and others challenged the notification dated 30.11.2006 under Section 4 of the Land Acquisition Act and the Hon'ble Apex Court accepted the plea of the said land owners and the land was released in their favour. It is further contended that the case of the petitioners is also covered by the aforesaid order dated 07.08.2013 of the Hon'ble Supreme Court of India and their land also deserves to be released from acquisition.

We have considered the submissions made by the learned counsel

for the petitioners and also gone through the record.

The petitioners were not party to the civil appeals, in which, the aforesaid order dated 07.08.2013 was passed by the Hon'ble Apex Court. The petitioners never challenged the validity of the notification issued under Sections 4 and 6 of the Land Acquisition Act, before passing of the Award.

The petitioners filed Civil Writ Petition No.9591 of 2014, which was disposed of on 19.05.2014 by this Court, in terms of the directions issued in Civil Writ Petition No.25012 of 2013 (Balwinder Singh Dhiman and others Vs. State of Haryana and others) on 15.11.2013. Thereafter, the petitioners filed another Civil Writ Petition No.25971 of 2017, which was disposed of by this Court on 18.01.2018, with the following directions:-

“Having heard learned counsel for the petitioners, we find that the writ petition essentially raises a question of fact with regard to the khasra Nos. which have been ordered to be released. Such like factual issues can be effectively decided by the Revenue authorities. The writ petition is thus disposed of with a direction to the Land Acquisition Collector, Urban Estate, Panchkula and Tehsildar, Kalka to hold a fact-finding enquiry; determine as to whether the petitioners own any part of the land which has been ordered to be released vide memo dated 28.09.2016 and if it is found that the land allegedly purchased by the petitioners is also included in the release order, let necessary entry to this effect be made in the revenue record.”

On the basis of the said directions, a fact finding inquiry was conducted by respondent No.3, who gave his report dated 01.06.2018 (Annexure P-13).

As per the said report, the award in this case was announced on

26.11.2009 and possession had already been taken by the Haryana Shahari Vikas Pradhikaran (HSVP) on the basis of the said award. It is not disputed that the petitioners had also received the compensation worth Rs.6,91,256/- regarding their acquired land in the year 2010.

The case of the petitioners is not covered by order dated 07.08.2013 passed by the Hon'ble Apex Court in the Civil Appeal filed by Gian Chand and others as, in the present case, award regarding land belonging to the petitioners has attained finality, they have also received the entire amount of compensation in the year 2010 and the possession was also taken by the HSVP. So, we are of the view that there is no illegality in the impugned order dated 01.06.2018 (Annexure P-13), which was actually the fact finding report submitted by respondent No.3, in the light of the order dated 18.01.2018 of this Court.

Consequently, this writ petition is hereby dismissed being devoid of merits.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

21.01.2020

adhikari

Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No