

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

128

CWP-7525-2022

Date of Order: 08.04.2022

SUKHBIR SINGH AND ANR.

..Petitioners

**Versus**

STATE OF HARYANA AND ORS.

..Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Saurabh Dalal, Advocate  
for the petitioners.

Mr. Ankur Mittal, Addl. A.G., Haryana  
Mr. Shivendra Swaroop, AAG, Haryana  
Mr. Harsh Vardhan, AAG, Haryana  
for respondent No.1 to 4.

**ANIL KSHETARPAL, J(Oral)**

The petitioners pray for issuance of a writ in the nature of mandamus to direct the State of Haryana to return the acquired land as per the Policy dated 14.09.2018. The petitioner's land measuring 4 bighas and 19 biswas was acquired somewhere in the year 1969-70. The acquired land was utilized for construction of a bus-stand. Recently, on account of development in the city, the bus-stand has been shifted to a new place. The petitioners claim that they are entitled to release of the land/under the notification of the acquisition on the basis of the Policy.

The name of the Policy is as under:-

*“The Policy may be called, as 'the Policy for Return of  
Un-utilized Land'”*

Furthermore, para 7 of the Policy clearly provides that if the acquired land is unviable or non-essential for the purpose it was acquired, it will be returned because of it being an unutilized land. In the present case, the petitioners do not allege that the acquired land is either unviable or non-

essential. In this case, because of a subsequent development, the land has become available. Admittedly, the acquired land has been utilized for the purpose it was acquired i.e. running a bus-stand for nearly 50 years.

On completion of the acquisition, the acquired land vests in the State free from all encumbrances. In any case, this is only an enabling provision which can be considered by the State in its discretion.

However, it cannot be claimed as a matter of right.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

April 08<sup>th</sup>, 2022

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(ANIL KSHETARPAL)  
JUDGE

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