

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

CWP No.6297 of 2021 (O&M)
Date of decision: 20.04.2022

Baldev and another

...Petitioners

Vs.

State of Haryana and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Rakesh Kumar Sharma, Advocate,
for the petitioners.

Mr. Ankur Mittal, Addl. A.G., Haryana,
and Mr. Saurabh Mago, AAG, Haryana.

Ritu Bahri, J. (Oral)

CM No. 14985 of 2021

Annexures P-24 to P-33 are taken on record.

Misc. application stands allowed accordingly.

CWP No.6297 of 2021

Petitioners are seeking release of their land from acquisition keeping in view that the land of one Mahender Kumar, who had filed CWP No.12435 of 2007, has been released. Property of Mahender Kumar falls in the same table i.e. Table No.4 attached with the report of Joint Site Inspection Committee (Annexure P-33) and is a 'C' class construction.

Learned counsel for the petitioners has referred to the report of the Joint Site Inspection Committee dated 25.01.2006 (Annexure P-33). In this report, land of the petitioners is shown to have fallen at Plate No.168 in tabel No.4. As per learned counsel for the petitioners, property i.e. structure

Plate No.166 belongs to Mahender Kumar, who had filed CWP No.12435 of 2007 and the said property has been released from acquisition.

Short question for consideration in this petition is, “whether the petitioners can seek release of their land by claiming parity with the land of Mahender Kumar, which has been released pursuant to the order dated 18.06.2008.”

When site inspection was carried out, claim of the petitioners was dismissed on the ground that inspection carried does not recommend release of their land. As far as the petition (CWP No.12435 of 2007) filed by Mahender Kumar is concerned, it was disposed of vide order dated 05.08.2008, as the recommendation for release of his land had been made by the Director, Urban Estate. This fact is clear from the information received under the Right to Information Act, 2005 (Annexure P-32).

Petitioners are claiming that their 'C' class construction should be released at par with Mahender Kumar.

Learned State counsel has referred to the order dated 05.08.2008 passed in CWP No.10700-2007 (Annexure P-10), wherein this Court had taken into account the order dated 18.06.2008, which was passed pursuant to the direction dated 14.03.2008 given by this Court in a bunch of writ petitions. As per the said order land of petitioner Nos. 2 and 3 (petitioners herein) had not been recommended for release, as the same was found to be vacant land. Even Special Leave Petition i.e. SLP (C) No.19637 of 2010, against this order, was dismissed vide order dated 07.07.2010 (Annexure P-10A).

Now, after a gap of almost 13 years, the petitioners cannot claim parity of release of land at par with Mahender Kumar, whose land /

constructions had been recommended for release after carrying out a survey by the competent authority and the said report had been accepted by this Court in toto while dismissing the earlier writ petition filed by the petitioners i.e. CWP No.10700-2007 (Annexure P-10).

Since the earlier writ petition has been dismissed and has attained finality, the petitioners, now, cannot claim benefit of release of land as per Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 keeping in view the judgment passed in **Indore Development Authority vs. Manoharlal and others**, SLP (C) No.9036-9038 of 2016.

Resultantly, finding no merits, the present petition is dismissed.

(RITU BAHRI)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

20.04.2022
ajp

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