

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

205

CWP-11465-2020

Date of decision : 20.07.2022

Rajwinder Singh

...Petitioner

Versus

Union of India and others

....Respondents

CORAM : HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Parshotam Lal Singla, Advocate
for the petitioner.

Mr. Dheeraj Jain, Senior Panel Counsel for
respondents No.1, 3 and 4.

Mr. Mahender Joshi, Advocate for
Mr. R.S.Madan, Advocate
for respondent No.2.

Mr. Nikhil Chopra, Addl.A.G., Punjab.

ANIL KSHETARPAL, J. (ORAL)

The dispute in the present writ petition is with regard to the recovery notices issued by the Competent Authority-cum Sub Divisional Magistrate (SDM), Nihal Singh Wala requesting the petitioner to return the amount, which has been wrongly paid. The Union of India as well as the Competent Authorities under the National Highways Act claim that the petitioner has been wrongly paid an amount of Rs.26,43,414/- with respect to land comprised in Rectangle No.218, Khasra No.2/2/1. It is the stand of the Government that the aforesaid parcel of the land is not required for the construction of road. It is noted here that the Government has taken a specific stand that the possession of land comprised in Rectangle No.218 Khasra No.2/2/1 was never taken acquired by the Government.

Learned counsel representing the petitioner contends that he cannot be asked to return the amount after a period of 3½ years and there is no provision in the Act that provides for the recovery of the said amount. He admits that there is no provision debarring the Government from releasing the land, which is not required by the Union of India. The Government in exercise of its eminent domain power acquires the land. In a case where the Government has found after careful analysis that some part of the acquired land is not required and is wholly prepared to return the land in absence of any provision to the contrary, the competent authority is entitled to recover the amount which has been paid to the landowner for that parcel of the acquired land, which has now been released.

In view thereof, no ground to issue a writ.

Dismissed.

20.07.2022

anju

(ANIL KSHETARPAL)
JUDGE

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