

**133 (2) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

COCp-1720-2021 (O&M)

Date of decision: 25.02.2022

Smt. Bharpai and others

....Petitioners

Versus

A.K.Singh, IAS and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. N.C.Kinra, Advocate for the petitioners
 Mr. Harsh Vardhan, AAG, Haryana
 Mr. Arvind Seth, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

The petitioners complain that the directions issued by the High Court while deciding CWP-5104-2006 have not been complied with. The operative part of the order passed by the Division Bench reads as under:-

“Having held that, we would have followed the reasons assigned in **Sant Singh's cse (supra)** for the purpose of quashing the impugned acquisition in its entirety. Such a recourse, in the instant case, however, may not be justified for more than one reasons. Firstly, the acquired land of the petitioners has not been apparently released in favour of any private Builder and is still with HUDA- a State Agency. Those landowners whose lands have been taken away by the private Builders are not the writ petitioners. Secondly, the petitioners themselves volunteered and made a statement before this court that they do not object to the acquisition of their land to the extent it is needed for sectoral roads. It was stated for the obvious reason that the development works, if any, executed by the State or its Agency would enhance the the potentiality, utility and value of the petitioners' land as well. Taking into consideration these facts and circumstances, we allow these writ petitions and quash the impugned notifications dated 20.1.2003 and 16.1.2004 as also the Award made on 14.1.2006 to the extent of

acquisition of the petitioners' land which is not needed for the developed and construction of roads only.

26. We thus direct the respondent-authorities to conduct a fresh survey/demarcation of the area and release the petitioners' land beyond what is needed for construction of roads. The petitioners shall be entitled to compensation to the extent of utilization of their land for roads. The question whether they are entitled to compensation under the new Act or the old Act is left open with liberty to the petitioners to raise it before the appropriate Forum.”

A reply to the petition has been filed while taking a stand that a fresh survey/demarcation of the area has been conducted and a decision has been taken to retain the land for laying 24 metres wide road passing through the petitioners' land to complete the loop/integration of the services for better circulation.

Keeping in view the aforesaid facts, the petitioners, if so advised, may resort to the remedy available. No further order in the contempt petition is required to be passed.

Disposed of.

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

25.02.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE