

CWP-2250-2023

**2023:PHHC:061420-DB
:1:**

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

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**CWP-2250-2023 (O&M)
Date of Decision: 28.04.2023**

VIKAS MALHOTRA AND ORS

... Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

....Respondents

**CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

**Present: Mr. Jagat Singh, Advocate
for the petitioners.**

**Mr. Ankur Mittal, Additional AG Haryana with
Mr. Saurabh Mago, Assistant AG Haryana.**

LISA GILL, J.(Oral)

1. Petitioners in this writ petition claim to be owners in possession of the land comprised in 109/(7-8), 109//14(8-8). It is claimed that said land was subject matter of acquisition for which notification under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') was issued on 04.06.1986. Notification under Section 6 of the Act was issued on 15.04.1987 but area of 3.17 acres of land was excluded therefrom. Subsequently, notification dated 01.04.1992 under Section 4 of the Act was again issued qua the said 3.17 acres of land. Notification under Section 6 qua the said land was issued on 29.03.1993.

2. CWP-14244 of 1993 was filed by some of the land owners including some of the petitioners. It is stated that CWP-14244

of 1993 was disposed of on 11.03.2011 whereby some of the area of the land measuring 3.17 acres was released. It is submitted that constructed houses and shops of the petitioners were not released from acquisition. It is the contention of the petitioners that no award qua the land of the petitioners has been passed within the stipulated period of 2 years. Therefore, entire proceedings of acquisition qua the petitioners' land falling in khasra No.109//7 (7-8) and khasra No.109//14(8-8) should be declared to have been lapsed.

3. Written statement on behalf of the respondents No.1 to 4 has been filed.

4. Learned counsel for the State while referring to certain other documents produced in Court today reiterates that the above said khasra numbers, though subject matter of earlier acquisition stood, released. He refers to letter dated 14.02.2011 reflecting that a survey had been conducted pursuant to interim orders passed in CWP-14244 of 1993. It is mentioned therein that it would not be useful to acquire land comprised in the two khasra Nos. 109//7 (7-8) and 109//14(8-8) along with others. Accordingly, the said khasra numbers were released from acquisition. Reference has also been made to a site plan which was stated to have been produced in the proceedings in CWP-14244-1993. In order to further substantiate the same, learned counsel for the State has referred to order dated 11.03.2011 in CWP-14244 of 1993 and CWP-3419 of 1987 which were decided together wherein letter dated 14.02.2011 is mentioned to have been placed on record therein. Relevant portion of order dated

11.03.2011 in CWP-3419 of 1987 reads as under:-

“Thereafter, in response to the order passed by us as mentioned above, requisite information was supplied to the Court. On perusal of the same, the following order was passed on 25.02.2011:-

“ In response to our order passed earlier, copy of the letter dated February 14, 2011, along with site plan shown dimensions of the land released from acquisition in all the four cases has been placed on record. Copy has also been supplied to the counsel opposite. On request adjourned to February 28, 2011.

A photocopy of the order be placed on the files of the connected cases.”

A site plan was put on record showing dimensions of the land released under acquisition. As regards the land which is the subject matter of the acquisition in these two writ petitions, it was clearly mentioned in the letter referred to above that the land falling in Khasra No.109//18/3 min. and 23/1 min is a part of sector road alignment and as such it cannot be released. Rest of the land was released from acquisition except the area falling under sector roads as mentioned in paragraph (ii) of letter dated 14.02.2011. We feel that in view of the above order passed by the Authorities, grievance of the petitioners stands satisfied.”

5. Learned counsel for the State on specific instructions from Mr. Ram Bir, Patwari present in Court, reiterates that khasra Nos.109//7 (7-8) and 109//14(8-8) stand released from acquisition, therefore, present petition is rendered infructuous.

6. Keeping in view the facts and circumstances as above, we find that no orders are called for in view of the specific stand of

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the State. Petition is accordingly disposed of.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

28.04.2023
Rimpal

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